



EU regulation on packaging and packaging waste is published

New EU regulatory framework aimed at reducing environmental impact of packaging and packaging waste is published

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KEY ASPECTS

- On January 22, 2025, the EU published [\(EU\) Regulation 2025/40](#) of the European Parliament and of the Council, of December 19, on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (the “Packaging Regulation”) in the Official Journal of the European Union (“OJEU”), establishing new rules covering the entire lifecycle of packaging to enable it to be placed on the market.
- The Packaging Regulation seeks to harmonize the EU Member States’ national measures and to improve the functioning of the internal market. This is why a directly applicable regulation of a general nature was established.
- In Spain, Royal Decree 1055/2022, of December 17, on packaging and packaging waste (“RD 1055/2022”), in force since December 2022, anticipated certain measures that are now included under the Packaging Regulation and that, therefore, should already be implemented in Spain.





Packaging Regulation objectives

Some of the Packaging Regulation's objectives are as follows:

- preventing, reusing and reducing packaging waste generation;
- promoting a circular economy through recyclable packaging;
- increasing the percentage of recycled material used in plastic packaging;
- harmonizing the labeling of packaging; and
- establishing requirements relating to extended producer responsibility.

With this in mind, the Packaging Regulation introduces new developments; below we highlight some of those developments.

Preventing, reusing and reducing packaging

The Packaging Regulation aims to (i) **minimize packaging where it is not needed** (reduction of volume and weight to the minimum necessary) and, to do this, it establishes a method in Annex IV; (ii) **restrict the use of certain packaging formats** listed in Annex V, e.g., single-use plastics used in the HORECA sector or for fruits and vegetables; and (iii) reduce **empty space** in packaging.

Here we highlight that the delegated acts to be adopted based on the Packaging Regulation can establish additional or more detailed requirements for packaging for specific products, particularly in relation to packaging minimization where the design or re-design of products can lead to packaging that is environmentally less impactful.

Regarding **re-use**, the Packaging Regulation aims to promote the use of products with **refillable or reusable containers**, according to the requirements of article 11 and of Annex VI. Also, the European Commission should adopt a delegated act to establish a minimum number of rotations for reusable packaging for the packaging formats that are most frequently used in re-use.

Mandatory deposit and return systems are established for certain plastic bottles and metal containers, with the recommendation that the Member States extend that obligation to other reusable packaging, e.g., single-use glass bottles. Deposit and return systems will not be mandatory for packaging for wine, aromatised wine products, spirit drinks and milk products.

Member States have the authority to establish economic incentives, including charging for the use of single-use packaging and to inform consumers about the cost of such packaging at the point of sale.

Recyclable packaging

The Packaging Regulation states that “all packaging” will be “reusable or recyclable by 2030”. It establishes the following conditions with which packaging must comply to be considered recyclable:

- It must be designed for material recycling, which enables 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. These design criteria that facilitate recycling will be established in future delegated acts of the Commission.
- When it becomes waste, it can be collected separately and sorted into specific waste streams without affecting the recyclability of other waste streams and recycled at scale. The method for assessing recycling at scale will be established in a Commission implementing act.



The Packaging Regulation also establishes **minimum percentages of recycled content** recovered from post-consumer plastic waste that should contain **plastic packaging**, depending on the packaging type and format in question—there are exemptions for medicinal products and medical devices, and compostable packaging—,establishing targets that should be attained at the latest in 2030 and in 2040. The Commission should adopt delegated acts that establish the calculation and verification methods for these percentages.

It also aims to **minimize substances of concern in packaging materials**, establishing restrictions on the use of per- and polyfluoroalkyl substances (“PFAs”) in food packaging materials, and maintaining existing restrictions for lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components.

Harmonized labeling for packaging and waste receptacles

We highlight the following new developments concerning the labeling of packaging and of receptacles for collecting packaging waste.

- **Packaging labeling:**
 - **Harmonised labeling:** the packaging label (including ecommerce packaging) will include, in general terms, information about material composition and about the re-usability of the packaging. The label will be based on pictograms and be easily understandable, including for persons with disabilities.

Labeling with the material composition will not be mandatory for transport packaging, e.g., pallets, foldable plastic boxes, intermediate bulk containers or drums, with the exception of the ecommerce packaging.
 - **QR code:** in addition to the harmonized label, economic operators can include a QR code on the packaging (or other standardized, open, digital data carrier) that contains information on the destination of each separate component of the packaging in order to facilitate consumer sorting.

These new developments complement the [Regulation on ecodesign](#) with stricter information requirements, which will be part of the information contained in the future digital product passport.

Under the Packaging Regulation, the Commission should also adopt implementing acts to establish a harmonised label and specifications for the labeling requirements and formats, including where provided through digital means.

- **Waste receptacles:** Under the Packaging Regulation, the Member States must ensure that harmonised labels that enable the separate collection of each material specific fraction of packaging waste that is intended to be discarded in separate receptacles are affixed, printed or engraved visibly, legibly and indelibly on all waste receptacles for collection of packaging waste. In this case, the Commission will also have to adopt implementing acts to establish the harmonized labels and specifications for the labeling requirements and formats for labeling the mentioned receptacles.
- **Sustainability and greenwashing:** it is prohibited to provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users in relation to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options for which harmonised labeling has been laid down in the Packaging Regulation.

Claims may only be made in relation to packaging properties when those claims meet the following requirements:



- The claims are made only in relation to packaging properties exceeding the applicable minimum requirements set out in the Packaging Regulation, in line with the criteria, methodologies and calculation rules set out in it.
- The claims specify whether they relate to the packaging unit, part of the packaging unit or all packaging placed on the market by the economic operator.

Packaging conformity

When the Packaging Regulation is fully applicable (i.e., August 12, 2026), it will only be possible to introduce on the EU market packaging that meets the sustainability labeling, marking and information requirements established in articles 5 to 12 of the Packaging Regulation, which will be proved with the declaration of conformity.

The manufacturers will carry out the conformity assessment and will draft the corresponding technical documents before placing packaging on the EU market.

Each type of packaging will have its corresponding declaration of conformity, which must be kept, along with the technical documents, and made available to the national authorities for (i) **five years** after introduction on the market of a single-use packaging, and (ii) **ten years** after introduction on the market of re-usable packaging.

The role of the manufacturer's **authorized representative** is introduced; the representative can be appointed in a written mandate to carry out the tasks specified in the mandate on behalf of the manufacturer.

Importers and distributors must verify, assess and guarantee that packaging introduced on the market is in conformity with the Packaging Regulation, participating in the market surveillance tasks carried out by the relevant national authorities.

Where the sustainability and information requirements under articles 5 to 12 Packaging Regulation amend or extend the requirements under RD 1055/2022, national operators will have to adapt to the new requirements to be able to issue the declaration of conformity required for introducing packaging on the market.

Requirements relating to extended producer responsibility

The Packaging Regulation also incorporates specific requirements for packaging related to extended producer responsibility, such as *«lex specialis»* in relation to Directive 2008/98/EC, which determines that its provisions on extended producer responsibility prevail over any conflicting provisions in that directive. For example, this principle refers to the requirements relating to producer registration, the modulation of extended producer responsibility fees and to reporting.

Extended producer responsibility under the Packaging Regulation has a new development in terms of scope in that it affects packaged products but also packaging being made available for the first time in the territory of a Member State. The concept of “producer” not only includes packaging companies, importers and distributors of packaged products; it also includes packaging manufacturers (transport packaging, service packaging and primary production packaging, both single use and reusable) and entities that unpack packaged products without being end users.

Regarding the financial contributions that producers must pay to the extended producer responsibility system, the Packaging Regulation adds the following costs to those to be covered under Directive 2008/98/EC (Waste Framework Directive):

- the labeling of waste receptacles for the collection of packaging waste, and
- the carrying out of compositional surveys of collected mixed municipal waste.



Also, and similar to RD 1055/2022, under the Packaging Regulation, producers must register in the corresponding producer register of the Member State where they produce their products.

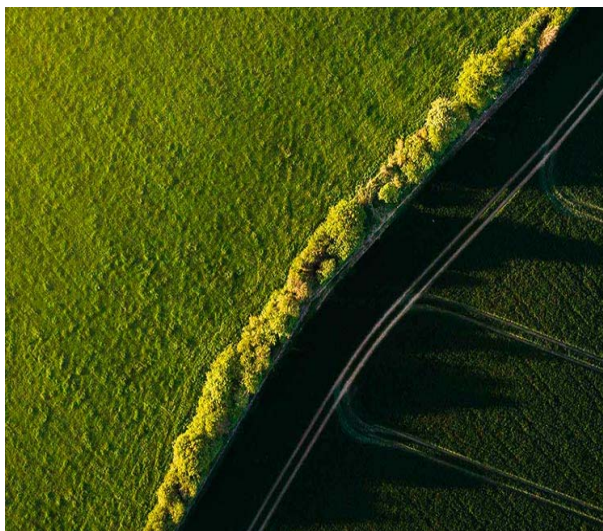
Another new development in the Packaging Regulation is the requirement for producers offering packaging or packaged products to inform the logistics services providers of their registration number and to provide a self-certification confirming that they only offer packaging with regard to which the extended producer responsibility requirements are complied with.

Development of Packaging Regulation and adaptation of national laws

To conclude, it is evident that the proposed measures will entail the need to adapt national laws, particularly once the Commission adopts the delegated and implementing acts that develop the Packaging Regulation. An example of this is the recent [explanatory note](#) published by the Ministry for Ecological Transition and the Demographic Challenge regarding implementing and aligning the marking requirements between RD 1055/2022 and EU regulations.

Entry into force and date of application

- The Packaging Regulation came into force on February 11, 2025, and will apply from August 12, 2026.
- The Ministry for Ecological Transition and the Demographic Challenge has stated that it will (i) review RD 1055/2022 and the Waste Act, taking all measures to ensure application of the Packaging Regulation, and (ii) issue the explanatory notes required to align both regulations to the new European regulation.



For additional information, please contact our [Knowledge and Innovation Group](#) lawyers or your regular contact person at Cuatrecasas.

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