



Striving for greater harmonisation of packaging legislation to prevent new market barriers

This paper highlights the diverging packaging and labelling requirements in the EU.

CONTEXT

The free movement of packaged goods is increasingly facing market barriers resulting from divergent national provisions. Unilateral national packaging labelling and information requirements are being introduced by Member States alongside unilateral bans on packaging materials. Additionally, the lack of harmonised EU measures or their delayed adoption is also eroding the integrity of the Single Market.

On one hand, these new market barriers are resulting in additional operational and administrative costs for companies. On the other hand, they risk undermining the EU's sustainability goals by undercutting economies of scale and investments in innovation because of the increasing market fragmentation.

LEGAL FRAMEWORK

Packaging and Packaging Waste Directive defines the essential requirements that packaging has to meet to be put in free circulation on the internal market. These requirements are related to the manufacturing, composition and reusable or recoverable nature of the packaging. In addition to these requirements, manufacturers also need to comply with more specific sectoral packaging and labelling requirements, such as under the European Batteries Directive, the Waste from Electrical and Electronic Equipment, etc.

The Commission is currently reviewing the Packaging and Packaging Waste Directive to revise the essential requirements for packaging with a view to, among others, improving design for reuse and promoting high quality recycling, as well as strengthening their enforcement. To deliver on its sustainability objectives and improve the internal market, the ongoing revision must deliver greater harmonization of packaging measures across the EU thus avoiding market fragmentation resulting from unilateral measures and delivering the ambitious EU climate and circular economy goals.



Showcasing Single Market problems - under existing EU legislation

EXAMPLE

Diverging labelling and packaging requirements force companies to create several iterations of their packaging to comply with them or to use stickers to add or cover certain markings. In addition to costs and operational impacts on production lines, these national measures also have a negative impact on the size of packaging and its recyclability (e.g., when stickers are required) and can further confuse consumers. Using a single packaging for several markets increases the flexibility of manufacturers to react flexibly to demand, maximize efficiency and reduce environmental impacts.

Furthermore, national interpretations and transpositions differ, and, in some cases, Member States have taken the liberty to establish additional requirements. For example:

- Green dot: The use of the “Green Dot” logo is considered a “confusing” logo and penalized in some Member States, where it is mandatory in others. This leads to situations where manufacturers would need to develop national-specific packaging or use stickers to over label the “Green Dot”.
- Triman logo: The indication of a sorting logo (“Triman” logo), is mandatory in some Member States and possibly prohibited in others. Such conflicting requirements make it impossible to have one packaging for the entire European market.

HOW TO ACHIEVE BETTER RESULTS

A functioning Single Market for packaging and packaged goods must be a key deliverable of the ongoing review of the Packaging and Packaging Waste Directive, with a focus on:

- A strong harmonisation of legislative measures on packaging, including on labelling and information requirements, to avoid further market distortions and barriers to the free movement of packaged goods across the EU.
- A strengthening and enforcement of the essential requirements to effectively support the advancement of circular economy goals.
- A legislative framework supporting the creation of integrated market for secondary raw materials to meet recycling targets.

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