



Ms Teresa Ribera Rodríguez

Chair of the EU Environment Council
Third vice-president of the government
Minister for the ecological transition and demographic challenge
Plaza San Juan de la Cruz 10
28071 Madrid
SPAIN

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Re: Packaging and Packaging Waste Regulation

Dear Minister,

The European business community is fully committed to accelerate the circular economy transition and is making substantial efforts to shift to more sustainable packaging solutions. The Packaging and Packaging Waste Regulation (PPWR) provides an opportunity to strengthen the internal market and contribute to the Green Deal objectives. However, several adjustments of the European Commission's proposal are needed to achieve this. In view of the Environment Council's possible General Approach on 18 December, we call on the Council and all Ministers to take into account the below concerns and associated proposals for improvement.

ENSURE COMPLEMENTARITY OF REUSE AND RECYCLING

Reusable and refillable packaging can be an efficient and sustainable waste prevention measure, but it is not the environmentally preferred solution in all situations and for all packaging. Instead, reuse and recycling are complementary solutions to achieve circularity and should be treated as such in the regulation. By ensuring complementarity, we avoid undermining the important role of recycling and sidelining efforts and investments already made by businesses to increase recyclability of packaging.

For the above reasons, we strongly encourage Ministers to **introduce horizontal exemptions from the reuse obligations in Article 26 and single-use bans in Article 22, in situations where it is demonstrated that reuse does not deliver the best environmental outcome.** Such exemptions can either be linked to a lifecycle assessment, a certain recycling rate or a collection rate. The constructive approach taken on this issue by the European Parliament, as seen in plenary amendments 385, 386, 417, 418, 437, 499, should be mirrored in the General Approach. The proposals in the Council text to empower the Commission to adopt exemptions and review the reuse targets by 2034 is not sufficient to address the concerns.



INCREASED HARMONISATION AND A FUNCTIONING SINGLE MARKET

Today, European companies are confronted with divergent national sustainability and information requirements as well as packaging bans. Such requirements lead to additional operational costs and administrative burdens for companies. Moreover, they prevent the development of a circular economy by undercutting economies of scale and investments in innovation because of the increasing market fragmentation.

To support increased harmonisation and the functioning of the internal market, we strongly encourage Ministers to uphold the single market principles in the General Approach, and in particular:

- **Remove the possibility for member states to maintain or introduce national sustainability or information requirements** in Article 4(4), through Article 38, and by deleting Article 4(5) as done by the European Parliament (amendment 79) as well as Article 22(1a) proposed in the Council text.
- **Maintain the phrase ‘placing on the market’ in Article 4(4)**. Replacing it with a new concept referring to the national market, as proposed in the Council text, would deviate from the EU-wide concept defined in the [European Commission’s Blue Guide on the implementation of EU product rules 2022](#) and Article 3(2) of the Market Surveillance Regulation.
- **Delete the addition of ‘at least’ in the reuse targets in Article 26**, as it implies that PPWR sets minimum reuse targets while allowing divergent systems and targets across member states. The wording in the Commission’s proposal does not prevent operators from exceeding the targets, and this change would only fragment the internal market. For the same reason, the **new Article 26(15a) should be removed**, as it explicitly allows Member States to introduce higher reuse targets than those set in the Article.
- **Remove Article 45(2)(c)**, which allows member states to introduce reuse targets for other products than those covered by Article 26.

These measures are crucial to safeguard the functioning of the internal market and support the circular and green transition as well as European competitiveness. We stand ready to engage on any of the points above.

Yours sincerely,

Markus J. Beyrer