



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

**This paper highlights the diverging packaging and labelling requirements in the EU, and the need to achieve greater harmonisation across Member States.**

#### CONTEXT

The packaging value chains are 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 formats. Additionally, the lack of harmonised EU measures or their delayed adoption is eroding the integrity of the single market.

These market barriers lead to additional operational and administrative costs for European companies. Moreover, they risk undermining the EU's sustainability goals by undercutting economies of scale and investments in innovation because of the increased market fragmentation. A well-functioning internal market is key to protect the free circulation of packaging and packaged goods across the EU and enable the circular economy.

#### LEGAL FRAMEWORK

The European Commission's [proposal for a Regulation on packaging and packaging waste](#) (PPWR), repealing the current [Directive](#), aims to improve the environmental sustainability of packaging and ensure the free movement of packaging in the internal market. According to the PPWR, packaging can only be put in free circulation on the internal market if it complies with sustainability requirements on *inter alia* recyclability, recycled content, reusability, and packaging minimisation as well as labelling and information requirements.

To deliver on its sustainability objectives and strengthen the internal market, it is crucial that the PPWR provides greater harmonisation of requirements on e.g., labelling and packaging design across Member States. The Commission's proposal to transform the outgoing Directive into a Regulation and the choice to maintain an internal market legal basis (Article 114 TFEU) is welcome since it will contribute to increased harmonisation of such measures. Thereby, it has the potential to enhance the competitiveness of European companies, considering the high costs of complying with divergent requirements, and contribute to the development of a circular economy.

However, several provisions in the PPWR proposal allow Member States to maintain or introduce additional national sustainability and information requirements or introduce



## Showcasing Single Market problems – under existing EU legislation

further measures to reduce the generation of packaging waste and the environmental impact of packaging. Such articles include Articles 4(4), 4(5), 45(2)(c) and 38. Provisions that risk causing market fragmentation and thereby also hindering the development of a circular economy are concerning.

### EXAMPLE

---

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

Furthermore, national interpretations and transpositions of such requirements differ, and, in some cases, Member States have established additional requirements. For example:

- Green Dot: The use of the “Green Dot” symbol is penalised in some Member States, while being mandatory in others. This leads to situations where manufacturers would need to develop national-specific packaging or use stickers to cover the “Green Dot”.
- Triman Logo: The indication of a sorting logo is mandatory in some Member States and possibly prohibited in others. Such conflicting requirements hinder the use of the same packaging for a product 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 negotiations on the PPWR. To reach this objective, the focus should be on creating strong **harmonisation of legislative measures on packaging**, such as labelling and packaging design requirements.

To ensure that the PPWR prevents further market distortions and barriers to the free movement of packaging and packaged goods across the EU, the following is key:

- Maintaining the Commission’s choice of legal instrument, i.e. a Regulation.
- Maintaining an internal market legal basis (Article 114 TFEU).
- To ensure optimal environmental and economic outcomes, Member States should be prevented from introducing divergent or additional national requirements that risks fragmenting the internal market. In this aspect, articles such as 4(4), 4(5), 45(2) and 38 are of concern as they could lead to such diverging requirements on e.g., packaging design and labelling.
- While requirements for companies should be harmonised, provisions in the Regulation should not undermine efficient waste management systems already in place in Member States.

### CONTACT INFORMATION

---