

Packaging and packaging waste

Impact assessment (SWD(2022) 384 and SWD(2022) 385 (summary)) accompanying a Commission proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020, and repealing Directive 94/62/EC, COM(2022)677.

This briefing provides an initial analysis of the strengths and weaknesses of the European Commission's impact assessment (IA) accompanying the above-mentioned [proposal](#), submitted on 30 November 2022 and referred to the European Parliament's Committee on Environment, Public Health and Food Safety (ENVI). The proposal would provide an updated EU legislative framework for packaging and packaging waste, aiming to reduce waste, promote high-quality recycling and support investment. This initiative, included in the [Commission 2022 work programme](#), is presented under the [European Green Deal](#) and the [circular economy action plan](#). In its February 2021 [resolution](#) on the new circular economy action plan, the European Parliament called, among other things, for the reduction of excessive packaging, better recycling and reuse, and the phasing out of harmful substances.

Problem definition

The IA explains that packaging is an important economic activity and notes that the turnover of packaging manufacturing generated in the EU was estimated at around €355 billion in 2018. Furthermore, the IA points out that packaging has a harmful effect on the environment and contributes to climate change. Packaging is one of the main users of [virgin materials](#) (40% of plastics and 50% of paper used in the EU are destined for packaging) and accounts for 36% of municipal solid waste. According to the IA, while the use of packaging has increased, re-use and recycling rates are low, which hinders the development of a low-carbon circular economy in the EU. The Packaging and Packaging Waste Directive ([94/62/EC](#)) (PPWD) obliges Member States to enforce the essential requirements (set out in Annex II to the PPWD), which concern the composition of packaging and its reusable and recoverable nature, and to meet recovery and recycling targets.

Both the [fitness check](#) (2014) and the [study](#) (2020, scoping study) on the essential requirements' effectiveness identified weaknesses in the essential requirements for packaging (e.g. they are too general and difficult to implement), and recommended making them 'more concrete and easily enforceable'. While the 2018 amendment of the [PPWD](#) increased the recycling targets for packaging for 2025 and 2030, it did not address the weaknesses pointed out in the fitness check. The IA explains that the present initiative, in line with the 'evaluate first' principle, aims to address the revision clauses introduced in the amended PPWD (2018). The initiative would i) 'examine the feasibility of reinforcing the essential requirements with a view to, inter alia, improving design for reuse and promoting high quality recycling as well as strengthen their enforcement'; ii) 'examine the feasibility of setting quantitative targets on reuse of packaging'; and iii) 'evaluate the effectiveness of the measures aiming to reduce the consumption of lightweight plastic carrier bags'.¹

The IA defines **three problem areas**, which are interlinked (IA, pp. 5-14, 20; Annex 6, pp. 160-301).

Problem 1 – High and growing levels of packaging waste: The IA mentions that total packaging waste generation in the EU has increased; for example, the amount of waste increased by 19% (from 66 million tonnes to 78.7 million tonnes) between 2009 and 2019. In addition, annual packaging



waste per person increased by 27 kg between 2009 and 2018. While packaging material efficiency has improved and consequently the unit weight of packaging has decreased (by 26 % on average between 1990 and 2015), the process of rendering packaging more lightweight has been accompanied by a shift to materials with a more harmful environmental footprint (e.g. from glass to plastics). The IA also notes that there is a significant increase in the use of one-way packaging (packaging that is not reusable, a typical example being single-use plastics), and that trends in retail (larger distribution networks, high-speed packaging lines) are not enhancing reuse.

Problem 2 – Barriers to packaging circularity: The IA notes that the overall recycling rate in the EU is expected to increase from 66.5 % in 2018 to 69 % in 2030. It observes however that unrecyclable packaging has increased 'significantly', and that currently 17 % of packaging is non-recyclable. While the waste sent to the landfill is projected to decrease from 18.7 % in 2018 to 9.9 % in 2030, the waste sent to incineration is expected to increase from 14.7 % in 2018 to 20.4 % in 2030. To illustrate the impact of this increase, the IA explains that, for example, one tonne of mechanically recycled [PET](#) waste saves 2.15 tonnes CO₂ equivalent (CO₂e), whereas incinerating it with energy recovery results in an additional 1.2 tonnes CO₂e. The IA explains that barriers to packaging circularity result from an increased use of packaging design features that hinder recycling, increased [cross-contamination of compostable recycling](#) streams (e.g. compostable and conventional plastics), hazardous substances in packaging, confusing labelling of packaging, and waste management and reuse systems that are not cost-efficient.

Problem 3 – Low levels of uptake of recycled content in plastic packaging: The IA recognises the issue of 'down cycling' in current recycling, which means that the recycled material is of lower quality and functionality than the original material, and the original functionality has to be then replaced by virgin material. The IA considers that market failures and limitations in the existing regulatory framework hamper the profitability of recycling activities and investment in recycling technologies. The IA mentions, for example, the presence of a quality risk related to the use of recycled content, and markets for secondary raw materials that are functioning at suboptimal level (owing to a lack of sufficient quality standards, among others). For instance, average recycled content is 11.7 % for PET bottles, 50 % for carton board packaging, and 0 % for beverage cartons.

The IA identifies **two problem drivers**: i) **market failure** (externalities; fragmented markets; information failures; suboptimal markets structure along the waste value chain) and ii) **regulatory failure** (e.g. delayed or incorrect transposition of the current directive; poorly designed, unenforceable, and unevenly applied essential requirements; difficulties of the Member States to ensure compliance with national recycling targets; the Single-use Plastics Directive ([EU](#) 2019/904 only covers plastic packaging) (IA, pp. 9, 14-15).

The IA explains that the problems are likely to persist without EU action, and discusses consequences, such as a weakened functioning of the internal market, which would hinder the transition to a circular economy, and negative impacts on the environment. According to the baseline projections, the total packaging waste generation in the EU would increase from 78 million tonnes in 2018 to 92.4 million tonnes in 2030 and 106.6 million tonnes in 2040. Furthermore, greenhouse gas (GHG) emissions in the packaging sector are projected to increase to 66 million tonnes CO₂e in 2030 and 93 million tonnes CO₂e in 2040. The IA considers that unless GHG emissions are decreased, the packaging sector would not be in line with the EU's objective of achieving carbon neutrality by 2050. It estimates that the environmental costs would increase from €5.9 billion in 2018 to €9.4 billion in 2030 and €17.1 billion in 2040.

Overall, the IA describes the problems sufficiently well and illustrates their scale with quantified estimates. However, the problem tree describing the intervention logic is confusing, as it does not mention the third problem, although the IA clearly states that the initiative addresses three identified, interlinked problems, and discusses all three (IA, pp. 9, 159-160, 290, 297).

Subsidiarity / proportionality

The legal basis is Article 114 of the Treaty on the Functioning of the European Union (TFEU). The IA explains briefly but sufficiently the need for and the EU added value of the initiative. It argues that due to the high level of trade between Member States in the packaging market and, on the other hand, the packaging-related environmental concerns, the issues cannot be addressed by national measures only. The IA considers that setting common requirements at EU level would contribute to creating economies of scale and improve both the circular economy and level the playing field for packaging producers (IA, pp. 18-19). Contrary to the requirement of the [Better Regulation Guidelines](#) (BRGs), the IA does not provide a dedicated subsidiarity grid. Proportionality is not used as a criterion in the comparison of options, but is discussed to some extent in the measures and in the preferred option. At the time of writing, no reasoned opinions had been submitted by the national parliaments as part of the [subsidiarity check](#) (the deadline is 25 April 2023).

Objectives of the initiative

The IA provides a very brief description of the defined objectives (p. 19). The **general objective** of the initiative is to 'reduce the negative environmental impacts of packaging and packaging waste, while improving the functioning of the internal market'. The IA also defines three **specific objectives** (SO), linked to the problems: 1) 'to reduce the generation of packaging waste'; 2) 'to promote a circular economy for packaging in a cost-efficient way'; and 3) 'to promote the uptake of recycled content in packaging'. According to the SMART criteria, the objectives need to be specific, measurable, achievable, relevant and time-bound. However, the formulation of the objectives is not time-bound and the evaluation timetable is not indicated. In addition, the IA does not provide **operational objectives** to set out clear deliverables of the preferred option; it provides a rather general description of the monitoring plan. Nevertheless, the policy options do include measures with quantified targets and a timeframe.

Range of options considered

The IA presents three policy options that address all the defined problems, in addition to the baseline. The options are partially incremental and not entirely self-standing policy alternatives. The main policy choices between the options concern waste reduction targets, re-use targets for operators in certain sectors, measures to increase recyclability, targets for recycled content in plastic packaging, mandatory deposit return systems and labelling rules to facilitate consumers' sorting. The description of the policy options is balanced. The measures and policy options are also explained in Annexes 8 (pp. 335-395) and 9 (pp. 396-763) in a detailed and comprehensive manner.

Baseline: No policy change.

Option 1 (Better standardisation and clearer essential requirements)

Prevention and reuse: Option 1 would minimise empty or void space in packaging in selected sectors, including e-commerce (setting a maximum percentage of allowed void space) (Option1, measure 1; O1M1). In addition, essential requirements would be updated to minimise over-packaging (O1M2). Option 1 would entail the revision of the CEN standard ([EN 13429:2004](#)) for reusable packaging to improve performance of reuse systems and facilitate their adoption (O1M3). It would also clarify the definition of a reuse activity versus a 'preparing for reuse' activity (O1M4).

Recyclability and compostability: Option 1 would require that all packaging in the market is either reusable or recyclable by 2030 (clarification of essential requirements and recyclability definition) (O1M5), and that reusable packaging placed on the market is recyclable as of 2030 (O1M6). Option 1 would qualitatively define the term 'recyclable packaging' to facilitate implementation of the essential requirements (O1M7). It would also update the essential requirements and the CEN standard ([EN 13432: 2000](#)) on packaging recoverable through composting and biodegradation (O1M8). Furthermore, Option 1 would allow both compostable and conventional plastics for selected plastic packaging types (O1M9).

Recycled content: Option 1 would define 'recycled content' and establish a methodology for measuring recycled content in packaging (in an implementing act) (O1M10).

Enabling measures: Option 1 would update the existing material-based labelling (O1M11) and the definitions on hazardous substance (O1M12). In addition, information would also cover hazardous substances in order to identify and prioritise relevant substances of concern in packaging (O1M13).

Option 2 (Mandatory targets and stricter requirements).

Prevention and reuse: In addition to the measures on reusable packaging under Option 1 (O1M3, O1M4), Option 2 would set mandatory reuse targets for selected packaging groups for 2030 and 2040 in selected sectors (O2M1). In the food and beverage sector, for example, 10 % of take-away food would have to be sold in packaging within a system of re-use or refill by 2030, and this target would be 40 % in 2040. Option 2 proposes definitions and mandatory requirements for reusable packaging formats that are set in EU legislation. It also proposes standards for some formats (O2M2), as well as definitions and mandatory standards for reuse systems (O2M3). This option would phase out unnecessary packaging 'over time' (O2M4). Option 2 provides a mandatory target of attaining a 19 % reduction of packaging waste per capita in 2030 compared to the baseline (O2M5), and would also include the measures related to minimising over-packaging under Option 1 (O1M1, O1M2).

Recyclability and compostability: Option 2 would define recyclable packaging based on design for recycling (DfR) criteria complemented by the recyclability assessment procedure and a negative list of non-recyclable packaging characteristics (O2M6), and includes the reuse and recycling measures under Option 1 (O1M5-7). It would also harmonise the Extended Producer Responsibility (EPR) Fee Modulation Criteria (fees based on weight of packaging) (O2M7). Furthermore, Option 2 would require mandatory compostability for certain types of plastic packaging (O2M8). The composting and biodegradation measure under Option 1 would be included (O1M8).

Recycled content: Option 2 includes the measure under Option 1; in addition, it sets broad targets for recycled content in plastic packaging based on contact-sensitivity for 2030 and 2040 (O2M9). For beverage bottles, for example, the target would be 30 % in 2030 and 65 % in 2040.

Enabling measures: Option 2 would include two measures under Option 1 (O1M11-12), and would provide mandatory Deposit Return Systems (DRS) for certain types of beverage packaging and minimum requirements for all DRS (O2M10). It would furthermore harmonise labelling of products and waste receptacles to facilitate consumers' sorting (O2M11). This option restricts use of confusing labels (O2M12), and introduces mandatory labelling for reusable packaging (O2M13), and labelling criteria for recycled content (O2M14). Option 2 would require notification of 'substances of concern' in packaging (O2M15), restrictions of substances under the REACH Regulation (O2M16), and mandatory minimum Green Public Procurement (GPP) criteria for packaging of priority products and services (O2M17). The harmonisation of the EPR reporting system (O2M18) and an extended reporting obligation on plastic carrier bags (PCB) (O2M19) are also included.

Option 3 (Far-reaching targets and requirements).

Prevention and reuse: In addition to the measures on reusable packaging under Option 1 (O1M3, O1M4) and the measures on defining reusable packaging and reuse systems under Option 2 (O2M2, O2M3), Option 3 would set mandatory high-level targets to increase the reuse of packaging by 2030 and 2040 in selected sectors (O3M1). For example, the reuse target for packaging for take-away food is 20 % by 2030 and 75 % in 2040. Furthermore, Option 3 would set a mandatory target for a 23 % reduction of packaging waste per capita in 2030 compared to the baseline (O3M2). It furthermore includes the measures on minimisation of over-packaging under Option 1 (O1M1, O1M2) and unnecessary packaging under Option 2 (O2M4). Option 3 would also ban the heaviest packaging for selected items (based on existing lighter alternatives; setting maximum weights) by 2030 (O3M3).

Recyclability and compostability: Option 3 would quantitatively define recyclable packaging (O3M4). It includes the measures for reuse and recycling under Option 1 (O1M5-7) and the measure relating to the EPR Fee Modulation Criteria under Option 2 (O2M7). In addition, Option 3 requires

mandatory compostability for all selected types of plastic packaging: the measure would make the use of compostable plastics mandatory for a specific group of products (e.g. fruit and vegetable labels, film for food trays) (O3M5). Moreover, it includes the measure on composting and biodegradation under Option 1 (O1M8).

Recycled content: In addition to the measure under Option 1 (O1M10), Option 3 would provide more ambitious, broad targets for recycled content in plastic packaging based on contact sensitivity for 2030 and 2040 (O3M6). For example, the target for beverage bottles would be 50% in 2030 and 65% in 2040.

Enabling measures: Option 3 would require prioritised use of recycled packaging from DRS (O3M7), together with the measure on DRS under Option 2 (O2M10). In addition to the measures relating to labelling under Option 1 (O1M11) and Option 2 (O2M11, O2M12, O2M13, O2M14), Option 3 provides waste collection schemes as an alternative to DRS (O3M8). Other enabling measures would be notification of all substances in packaging (O3M9), restrictions of substances under the reviewed PPWD (O3M10), including the measure under Option 1 (O1M12), and mandatory minimum GPP criteria for packaging of all products and services (O3M11). Option 3 sets a mandatory reporting requirement for recycled content for all packaging (O3M12), while also including the reporting measures under Option 2 (O2M18, O2M19).

Assessment of impacts

The IA analyses qualitatively and quantitatively the main **social, economic and environmental impacts** of the policy options for businesses, public authorities and EU citizens/consumers (IA, pp. 23-47; a more detailed analysis is provided in Annex 9, pp. 396-763). The IA assesses the impacts for every measure, also mentioning stakeholders' views (however without indicating how representative they are), and then compares the policy options. Regarding economic impacts, the IA considers what the costs for businesses would be, for instance in relation to labelling, reuse systems and DRS schemes. In relation to environmental impacts, the IA considers, for example, impacts on packaging waste reduction, CO₂e emissions and the recycling rate. In the assessment of social impacts, the IA analyses how the measures would affect employment. The IA carried out a cost-benefit analysis (CBA) of the policy options (based on the mass flow model described in Annex 4). The CBA found that the total monetised impact of Option 1 (costs relative to the baseline, 2030) would be -€2.6 billion (savings) (net reduced economic costs of €1.6 billion for businesses, environmental benefits of €967 million). In Option 2, the total monetised impact would be -€53.6 billion (savings; net reduced economic costs of €47.2 billion for businesses and consumers, environmental benefits of €6.4 billion). In Option 3, the total monetised impact would be -€62.2 billion (savings; net reduced economic costs of €53.9 billion for businesses and consumers, environmental benefits of €8.3 billion).

The analysis of economic costs includes estimates of savings for consumers (from reduced packaging) at €51.7 billion in Option 2 and €59.3 billion in Option 3. The IA explains that some measures, in particular those under Option 1, could not be included in the mass flow model due to quantification difficulties. The IA did not include social impacts (new jobs in the reuse sector) in the CBA analysis, as the estimates are partial. Impacts on employment are estimated for each measure, but in the comparison of policy options the IA does not present overall estimates per option. It mentions only that Options 2 and 3 are 'broadly similar, with some limited net direct positive job creation', and that impacts under Option 1 would be weaker than under other options. Under the preferred Option 2+, the IA expects around 29 000 new jobs to be created (IA, pp. 47-48, 50).

The IA refers to the EU's dependency on the import of fossil fuel and raw materials (limiting the EU's strategic autonomy), as fossil fuel is needed for plastic packaging production. The IA considers that the measures of the preferred option 2+ on recycled content would reduce fossil fuel requirements by 3.1 million tonnes per year. The IA notes that improvements in the circular economy would stimulate innovation, but does not discuss this in detail. Digital aspects, as per the BRGs (digital-by-default-principle) have not been discussed in the measures, except under Option 3, where the

feasibility of measure O3M4 would require the introduction of new digital technologies enabling the calculation of recycling rates for specific packaging categories.

The IA compares the options against the Better Regulation criteria of **effectiveness, efficiency, coherence**, but not **proportionality** (pp.47-52). The IA finds Option 3 the most effective in achieving the specific objectives. Option 1 would be most efficient, as it would deliver environmental benefits at a low cost. The IA also considers Option 1 to be the most coherent with EU legislation and EU policies; however, it would have been useful if the IA had explained this further in relation to the other options. Although Option 2 is not the highest scored option in relation to any of the above criteria, the IA prefers it as an option. It sufficiently substantiates this, by explaining that the measures under Option 1 would not adequately stop the increase of waste generation and boost recycling rates. On the other hand, while Option 3 would be more ambitious than Option 2, some of its measures are 'much more difficult to implement' and would entail higher costs and a greater administrative burden. However, the IA improves Option 2 ('Option 2+') by adding measures to clarify compostability and recycling and to provide flexibility to Member States (the DRS requirement can be achieved by other means). Thus **the preferred option is Option 2+**. The IA provides a summary of the costs and benefits of the preferred option in Annex 3 (IA, p. 100-106).

SMEs/ Competitiveness

As required in the BRGs (see also [Tool 23](#)), impacts on SMEs, as producers, have been assessed and mitigating measures and exemptions have been considered in the proposed measures in the policy options (*de minimis* threshold for producers below a certain size). In the preferred Option 2+, the IA notes that if SMEs faced 'significant negative impacts' in relation to the specific measures (O2M1, O2M9, O2M18), an exemption would be applied (IA, pp. 26, 34, 39). According to the IA, the measures would increase competitiveness, but it could have discussed this in more detail. The IA considers that the preferred option would treat domestic and imported products equally, and EU producers would 'not be disadvantaged' within the EU or outside the EU. The IA also notes that the measures would decrease (quantified estimate not provided) the amount of exported waste from the EU (33 million tonnes in 2020) (IA, pp. 50, 52, 18-19).

Simplification and other regulatory implications

The IA explains that the proposal would take the form of a regulation to ensure harmonised and correct implementation, and that the harmonised framework would simplify procedures. The IA considers the 'one-in, one-out' (OIOO) approach in the BRGs (see also [Tool 59](#)) very briefly. It estimates that in the preferred option, the harmonised labelling requirements would create an additional administrative burden estimated at €10.3 billion (one-off cost; spread over 4 years), which would be offset by savings from avoiding multiple labels. In addition, packaging producers would incur administrative costs worth €1.14 billion (recurrent) for having to certify recyclability. The IA does not explain how this would be offset. In the OIOO calculations, citizens/consumers are not specifically mentioned (p. 53; Annex 3, pp. 102-106). The IA explains that this proposal would be in line with the [European Green Deal](#), the [EU circular economy action plan](#), and the EU environmental and waste legislation. It mentions, for example, [Directive 2008/98/EC](#) on Waste, [Directive \(EU\) 2019/904](#) on the reduction of the impact of certain plastic products on the environment (Single-use Plastics Directive), [Regulation \(EC\) No 1907/2006](#) on chemicals (REACH), and [Council Decision \(EU, Euratom\) 2020/2053](#) on the system of own resources of the EU (incentive to reduce non-recycled plastic packaging). It would also contribute to the EU's commitment to the UN 2030 Agenda for Sustainable Development, particularly the goal (SDG 12.5) to substantially reduce waste generation. This proposal would also complement the Commission's proposal on [eco-design requirements for sustainable products](#) (IA, pp. 4-5; Annexes 3 and 8).

Monitoring and evaluation

The IA explains the monitoring plans, which largely rely on the existing monitoring framework of the PPWD. For instance, additional reporting requirements for Member States would be introduced

in relation to waste prevention targets, economic operators would be obliged to provide data on the recycled content, and a notification system for substances of concern would need to be introduced. The IA does not mention operational objectives or specifically explain the monitoring indicators. While the IA does not indicate the evaluation timeframe, the legislative proposal does (8 years after the date of application of the regulation).

Stakeholder consultation

The IA provides a summary of stakeholder consultation activities in a dedicated Annex 2 (pp. 82-99), as required in the BRGs. The [inception impact assessment](#) (IIA) received 110 responses during the feedback period from 11 June 2020 to 6 August 2020. An [open public consultation](#) (OPC) was held from 30 September 2020 to 6 January 2021, thus meeting the BRGs' 12-week requirement. It gathered 425 responses representing companies (differentiated by size), trade associations, EU citizens, research institutions, environmental and consumer organisations, and public authorities, among others. In addition, targeted consultations, such as workshops, were organised. The initiative was broadly supported; however, stakeholders had mixed views on some measures (e.g. O3M4, O3M5, O2M9, O3M6) (IA, pp. 32-34, 40-41). Stakeholders' views are generally described in a vague manner ('many', 'several', 'most stakeholders') and the representativeness of the views is not clear. The IA describes the stakeholder groups' views on the measures rather than on the policy options.

Supporting data and analytical methods used

The IA draws on a wealth of sources. These include the [fitness check](#) (2014), IA supporting studies, the stakeholder consultation, and reports and independent studies in the policy area. However, the IA refers to 'three IA supporting studies' without specifying them or providing complete references (p. 21). The IA mentions the [scoping study](#) 2020, yet does not specifically explain that it is a supporting study, even though it does contribute to the IA. Some references to other studies are unclear, for instance: 'Eunomia report for PPWD2 contract' (p. 5); 'Eunomia report December 2021' (p. 6); and 'Eunomia baseline report' (p. 17). It would have been important for transparency if the supporting studies had been fully referenced. The IA explains the analytical methods and modelling used in Annex 4 (pp. 108-124), for example, in relation to the cost-benefit analysis model, the baseline projections and the mass flow model. The IA explains that the full list of assumptions is included in 'Appendix D of the IA supporting study' (pp. 114, 118), and that the baseline model methodology is fully described in the 'support study's Appendix B' (p. 111). However, it is not clear what study is meant as no hyperlinks or due references are provided. The IA explains the limitations in the analysis, e.g. on impact estimates on employment (only direct impacts; a partial analysis) and the scale of the costs to be incurred by packaging producers as a result of the envisaged restrictions on substances of concern (lack of data). The IA also refers to a lack of recognised standard methodology for measuring the amount of recycled content, which weakens comparability of data (pp. 35, 39, 111, 255). Finally, the very extensive annexes contain material that could have been used in the main text (e.g. the description of policy options and the third problem).

Follow-up to the opinion of the Commission Regulatory Scrutiny Board

After a [negative opinion](#) on 13 May 2022 on a draft IA, the Regulatory Scrutiny Board (RSB) gave a [positive opinion](#) with reservations on the revised draft IA report on 30 September 2022; however the RSB still found several shortcomings. It demanded a further explanation of the challenges related to the internal market, the scale of the problem of consumer confusion resulting from differences in packaging labelling, and the reasons for differences between the Member States in reaching their recycling rate targets. It also required more clarity on how the expected impacts of related measures are taken into account in the modelling of the baseline, and, moreover, further explanations on the role and functioning of the reduction targets for 2030 and 2040. The RSB recommended that the measure of the quantitative definition of recyclable packaging under Option 3 be discarded due to a lack of stakeholder support. According to the RSB, the preferred option 2+ should be assessed and compared with other options. The RSB called for greater clarity

as regards the distributional transfers between single-use packaging producers and consumers, the net impact on employment and the employment impacts in the cost-benefit and efficiency analysis. Moreover, it demanded more clarity in the comparison of options, including the proportionality assessment of options and the choice of the preferred option. The RSB also found that the costs should be aligned with the revised cost-benefit analysis, including a full reporting of the OIOO approach. As required in the BRGs, the IA explains in Annex 1 how it has taken into account the points raised by the RSB (pp. 71-81). It appears that the RSB's remarks have been largely addressed (the verification of this is difficult, though, as the previous draft is not publicly available), although some points could have been clarified further. The revised IA discusses proportionality in the measures and in the preferred option, but it was not used as a criterion in the comparison of options. The IA provides only a limited description of the OIOO approach. As regards the preferred Option 2+, the IA explains that the adjustments made to Option 2, 'should not have significant changes to the quantitative outcome of the modelling' (p. 80).

Coherence between the Commission's legislative proposal and the IA

The legislative proposal appears to follow the preferred option.

The IA provides a good overview of the problems relating to packaging and packaging waste, and the possible impacts of the various measures proposed to address the problems. In its assessment, which is both qualitative and quantitative, the IA relies on a wealth of data sources and modelling. However, it does not clearly indicate the IA supporting studies and their full references; this would have improved transparency. The IA presents three policy options, which are partially incremental and cannot therefore serve as self-standing alternatives. The IA provides sufficient justification for the preferred option. Broad stakeholder consultations were carried out and the IA presents stakeholders' views, although on individual measures rather than on the three policy options. The description of the monitoring and evaluation plan is rather limited; for example, the operational objectives and the timeframe for the evaluation are not explained. On a technical point, the IA could have made more use of the material from the extensive annexes, for example, to describe the policy options and the third problem in more detail in the main text.

¹ See Karamfilova E., [Revision of Directive 94/62/EC on packaging and packaging waste](#), EPRS, European Parliament, 2022; and Ragonnaud G., [Revision of the Packaging and Packaging Waste Directive](#), EPRS, European Parliament, 2023.

This briefing, prepared for the Committee on Environment, Public Health and Food Safety (ENVI), analyses whether the principal criteria laid down in the Commission's own Better Regulation Guidelines, as well as additional factors identified by the European Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2023.

epprs@ep.europa.eu (contact)

www.eprs.ep.parl.union.eu (intranet)

www.europarl.europa.eu/thinktank (internet)

<http://epthinktank.eu> (blog)