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# The EU's new packaging rules are a bureaucratic bungle

Get ready for a ban on mini-sachets of ketchup, and much more

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THE EUROPEAN UNION prides itself on being a regulatory superpower, setting standards that are adopted around the world. In some cases it works, as with the bloc's tight limits on pollutants. In others it flops, as with a complicated supply-chain law whose implementation has been delayed until next year. The EU's latest big new rule is the Packaging and Packaging Waste Regulation (PPWR), which came into force in August. Among other things, it will eventually ban single-use shampoo bottles used by hotels, and mini-sachets of ketchup or other condiments. However valuable its aspirations might be, much of it is, unfortunately, a bureaucratic mess.

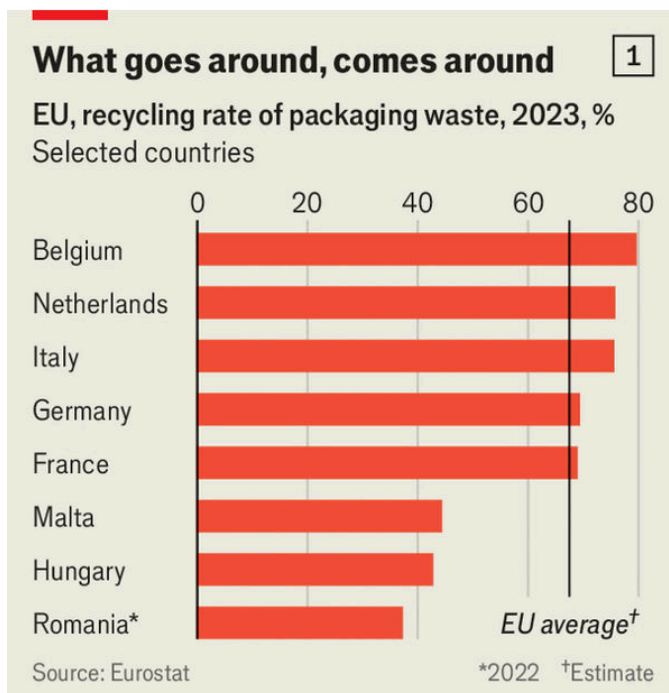


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The goals of the roughly 300-page-long PPWR are worthy. It aims to reduce the rapid growth of packaging rubbish, increase recycling, harmonise national laws and make food wrappers safer for consumers by restricting substances such as PFAS, widely used chemicals that break down slowly and are linked to cancer. Annually, each person in the EU generates 178kg of packaging waste, of which 68% is recycled. Plastic accounts for 35kg of that, and only 42% of it is recycled (see chart 1). Without the

law, packaging waste is forecast to grow by 19% by 2030 (see chart 2), driven by the relentless increase of online shopping.

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Many of the law's new rules will be introduced gradually. Makers of packaging have until 2028 to introduce standardised labels showing the materials in their products and how to dispose of them. Single-use plastic packaging for fresh produce, and for those mini shampoo bottles or ketchup packets, won't be gone until 2030.

But other policies have become law immediately, and a few are creating chaos. Some aspects of the Extended Producer Responsibility (EPR) scheme, which makes manufacturers and importers responsible for the entire life-cycle of their products, caused an outcry among small businesses that export across the EU. The rules require them to register with individual national registries in each of the EU's 27 member states, hire 27 authorised representatives and file complex reports in different languages. That is a crushing burden for companies already struggling with high energy and labour costs.



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The EU was aware of these concerns, but a proposal by the European Commission to suspend, until 2035, the requirement to hire local representatives was blocked in June in the EU council. Countries including Austria and Spain feared that removing local accountability would weaken regulatory control and make it easier for online sellers to ship across borders without reporting packaging data or paying recycling fees.

As a result, the PPWR became law with its flaws uncorrected. “It’s completely absurd,” says Marco Reitberger, who runs Itrade, a business-to-business electronics retailer with 35 employees in Passau, Germany. Before packaging his wares, his employees must complete a conformity assessment, prepare technical documentation and fill in an EU declaration of compliance. “Since August 12th we are obligated to throw away

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says, are so confusing and expensive that no one is following them.

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Many smaller European retailers have given up and paused sending their wares to other EU countries. Picadera, a small online shop for equestrian and leather goods, ceased deliveries to all EU countries outside Germany and Austria. Le Pop Lingerie, a seller of underwear in Cologne, says it will stop shipping other than to Britain, Germany, Norway and Switzerland because of the PPWR. Pitlock, a maker of cycling gear in Berlin, is pausing deliveries to other EU countries. "At its core the PPWR runs counter to the logic of the single market," says Andrea Wechsler, a German member of the European Parliament.

What can be done? Ms Wechsler proposes a threshold that exempts very small businesses in the EU from the obligations of the EPR scheme. She would suspend the requirement to appoint a local representative in each country, as the Commission proposed. And instead of 27 national registries there should be a single EU-wide one.

The parliament is set to debate small-business exemptions from the PPWR in October. The Commission suggested that, for now, national authorities reprimand rather than punish companies that violate the regulation. And on September 7th Germany's environment ministry proposed paring unworkable PPWR rules as part of an upcoming EU "omnibus" bill to lighten environmental regulation. The Germans want to lift some requirements for small businesses that produce less than ten tonnes of packaging waste a year.

In his decades of reporting on retailers, Mark Steier, an e-commerce blogger, has never seen them so outraged. "The PPWR is a total failure of the EU, national trade policies and national trade lobbies," he says. The problems with the new rules should have been evident beforehand. Yet it seems no one noticed they were broken until they took them out of the box. ■

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