

Article 6
Recyclable packaging

1. All packaging shall be recyclable.
2. Packaging shall be considered recyclable where it complies with the following:
 - (a) it is designed for recycling;
 - (b) it is effectively and efficiently separately collected in accordance with Article 43(1) and (2);
 - (c) it is sorted into defined waste streams without affecting the recyclability of other waste streams;
 - (d) it can be recycled so that the resulting secondary raw materials are of sufficient quality to substitute the primary raw materials;
 - (e) it can be recycled at scale.

Point (a) shall apply from 1 January 2030 and point (e) shall apply from 1 January 2035.

3. Recyclable packaging shall, from 1 January 2030, comply with the design for recycling criteria as laid down in the delegated acts adopted pursuant to paragraph 4 and, from 1 January 2035, also with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6. Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e).
4. The Commission is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex, as well as rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and for plastic packaging, the percentage of recycled content. Design-for-recycling criteria shall consider state of the art collection, sorting and recycling processes and shall cover all packaging components.

The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.

5. From 1 January 2030, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in the delegated act adopted pursuant to paragraph 4 for the packaging category, to which the packaging belongs.

These criteria shall be based at least on the parameters as listed in Table 2 of Annex II.

6. The Commission shall, for each packaging type listed in Table 1 of Annex II, establish the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:

- (a) amounts of packaging placed on the market in the Union as a whole and in each Member State;
- (b) amounts of separately collected packaging waste, per packaging material listed in Table 1 of Annex II, in the Union as whole and in each Member State;
- (c) recycling rates of packaging waste per packaging type listed in Table 1 of Annex II, in the Union as a whole and in each Member State or, when such data on recycling rates for packaging waste per packaging type cannot be made available, assumptions made based on average loss rates as referred to in Article 47(3);
- (d) installed infrastructure capacities for sorting and recycling in the Union as a whole for each packaging type listed in Table 1 of Annex II.

7. The criteria and requirements referred to in paragraph 3 shall establish:

- (a) the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as described in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;
- (b) detailed design for recycling criteria for each packaging material and category listed in Table 1 of Annex II;
- (c) a description, for each packaging category listed in Table 1 of Annex II, of the conditions for compliance with the respective performance grades;
- (d) the modulation of the financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;
- (e) the manner in which to assess the recyclability at scale for each packaging category listed in Table 1 of Annex II in order to establish, as of 2035, updated recyclability performance grades.

8. Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.

Where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components.

Where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component.

All components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.

9. From 1 January 2030, and by way of derogation from paragraphs 2 and 3, innovative packaging may be placed on the market for a maximum period of 5 years after the end of the calendar year when it has been placed on the market.

Where use is made of this derogation, innovative packaging shall be accompanied by technical documentation, referred to in Annex VII, demonstrating its innovative nature and showing compliance with the definition in Article 3(34) of this Regulation.

After the period referred to in the first sub-paragraph, such packaging shall be accompanied by the technical documentation referred to in paragraph 8.

10. Until 31 December 2034, this Article shall not apply to the following:
 - (a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6;
 - (b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;
 - (c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746.
11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the delegated acts referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6).

Article 7

Minimum recycled content in plastic packaging

1. From 1 January 2030, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging:
 - (a) 30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;
 - (b) 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;
 - (c) 30 % for single use plastic beverage bottles;
 - (d) 35 % for packaging other than those referred to in points (a), (b) and (c).
2. From 1 January 2040, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging:
 - (a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;
 - (b) 65 % for single use plastic beverage bottles;
 - (c) 65 % for plastic packaging other than those referred to in points (a) and (b);
3. Paragraphs 1 and 2 shall not apply to the following:
 - (a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point (25), of Regulation (EU) 2019/6;
 - (b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;
 - (c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746;
 - (d) outer packaging as defined in Article 1, point (24), of Directive 2001/83/EC and in Article 4, point (26), of Regulation (EU) 2019/6 in cases where such