

## CALL FOR EVIDENCE FOR AN INITIATIVE (without an impact assessment)

This document aims to inform the public and stakeholders about the Commission's work, so they can provide feedback and participate effectively in consultation activities.

We ask these groups to provide views on the Commission's understanding of the problem and possible solutions, and to give us any relevant information they may have.

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| <b>TITLE OF THE INITIATIVE</b>    | Three acts covering several aspects of packaging: (1) calculation and verification of plastic recycled content in packaging; (2) sustainability criteria for plastic recycling technologies; and (3) conditions for importing plastic recyclates or articles with incorporated plastic recycled content from third (non-EU) countries.                                                              |
| <b>LEAD DG – RESPONSIBLE UNIT</b> | Directorate-General for Environment (DG ENV) - Directorate B - Unit B.1 - Bioeconomy and sustainable materials                                                                                                                                                                                                                                                                                      |
| <b>LIKELY TYPE OF INITIATIVE</b>  | Two Commission implementing acts and one Commission delegated act under Article 7 of Regulation (EU) 2025/40 on packaging and packaging waste.                                                                                                                                                                                                                                                      |
| <b>INDICATIVE TIMING</b>          | Q4 2026                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>ADDITIONAL INFORMATION</b>     | Regulation (EU) 2025/40 on packaging and packaging waste:<br><a href="http://data.europa.eu/eli/reg/2025/40/oj">http://data.europa.eu/eli/reg/2025/40/oj</a><br>Commission webpage on packaging and packaging waste:<br><a href="https://environment.ec.europa.eu/topics/waste-and-recycling/packaging-waste_en">https://environment.ec.europa.eu/topics/waste-and-recycling/packaging-waste_en</a> |

*This document is for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by this document, including its timing, are subject to change.*

### A. Political context, problem definition and subsidiarity check

#### Political context

It is estimated that 40% of packaging placed on the EU market is made from plastics<sup>1</sup>. Regulation (EU) 2025/40<sup>2</sup> governs packaging and packaging waste in the EU. The Regulation establishes harmonised rules for the whole life cycle of packaging, including requirements for a minimum amount of recycled plastic in relevant packaging placed on the EU market.

This initiative concerns the detailed rules needed to make those requirements on recycled content workable, verifiable and enforceable. Article 7 of Regulation (EU) 2025/40 empowers the Commission to adopt, by 31 December 2026, two implementing acts and one delegated act on the calculation and verification of plastic recycled content, on sustainability criteria for recycling technologies, and to establish the conditions for importing plastic recyclates or articles with incorporated plastic recycled content from third (non-EU) countries.

This initiative will be developed in a way that is consistent with the Commission's work on streamlining the various methods of carbon accounting, as set out in the Deep Cleaning Action Plan<sup>3</sup>.

#### Problem the initiative aims to tackle

<sup>1</sup> [https://environment.ec.europa.eu/topics/waste-and-recycling/packaging-waste\\_en](https://environment.ec.europa.eu/topics/waste-and-recycling/packaging-waste_en).

<sup>2</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L\\_202500040](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202500040).

<sup>3</sup> See Annex to COM(2026) 380 final.

Plastic packaging remains highly dependent on virgin fossil-based material. Regulation (EU) 2025/40 introduces minimum recycled-content targets for plastic packaging to support circularity, reduce the use of primary raw materials and create demand for high-quality recycled plastics. However, without harmonised rules, operators and authorities could apply different calculation methods, evidence requirements and verification practices for recycled content. This would create uncertainty for businesses, make enforcement more difficult, and risk undermining the level playing field in the single market.

The supporting study<sup>4</sup> for the revision of the Packaging and Packaging Waste Directive (repealed by the Packaging and Packaging Waste Regulation - Regulation (EU) 2025/40), which fed into the impact assessment<sup>5</sup> accompanying the Commission proposal for its revision, highlighted the low uptake of recycled content and the need for a harmonised definition and method of measurement, including reporting and verification. It also identified concerns about administrative burdens, data flows, supply-chain cooperation, and the availability and quality of recycled plastics.

## **Basis for EU action (legal basis and subsidiarity check)**

### **Legal basis**

The legal basis of Regulation (EU) 2025/40 is Article 114 of the Treaty on the Functioning of the European Union. This initiative is based on empowerments in Article 7 of that Regulation:

- Article 7(8): the implementing act establishing the methodology for calculating and verifying recycled content recovered from post-consumer plastic waste, and the format for technical documentation;
- Article 7(9): the delegated act supplementing the Regulation with sustainability criteria for plastic recycling technologies;
- Article 7(10): the implementing act establishing the methodology for assessing, verifying and certifying equivalence, including through third-party audits, where the recycled content is recovered from post-consumer plastic waste collected or recycled in a third country.

### **Practical need for EU action**

The Commission is empowered to establish uniform EU rules to facilitate the functioning of the single market. An EU approach will reduce divergent national practices, support the free movement of compliant packaging, improve the credibility of claims about recycled content and ensure fair competition between EU and non-EU supply chains.

## **B. What does the initiative aim to achieve and how**

The implementing act under Article 7(8) will cover the calculation and verification of recycled content recovered from post-consumer plastic waste recycled and collected within the European Union, and the format of the relevant technical documentation. Aspects to be considered may concern data flows, the chain of custody, the level of aggregation, evidence to be retained by operators, and independent third-party audits where needed. Economic and environmental performance, output quality, the availability of the waste, the energy needed and the emissions of greenhouse gases and other relevant environmental impacts may also be considered.

The delegated act under Article 7(9) will supplement the Regulation with sustainability criteria for plastic recycling technologies. The criteria are to be based on an assessment of available recycling technologies, considering economic and environmental performance, output quality, the availability of the waste, the energy needed and the emissions of greenhouse gases and other relevant environmental impacts.

The implementing act under Article 7(10) will establish the methodology for assessing, verifying and certifying equivalence where recycled content is recovered from post-consumer plastic waste that is collected or recycled in a third (non-EU) country. The assessment must consider protection of the environment and human health, environmentally sound recycling, high-quality recycling, resource efficiency and quality standards for recycling sectors when recycled content is collected, sorted or recycled in third countries.

### **Likely impacts**

The acts are expected to support legal certainty, consistent enforcement, reliable claims about recycled content, demand for high-quality recycled plastics, and a level playing field for packaging placed on the single market. They should also help ensure that recycled content that is counted towards relevant targets is linked to recycling carried out under credible environmental and health-protection conditions.

<sup>4</sup> [https://environment.ec.europa.eu/document/download/00f9d1fb-3884-4550-a091-125abd9639bb\\_en](https://environment.ec.europa.eu/document/download/00f9d1fb-3884-4550-a091-125abd9639bb_en).

<sup>5</sup> [EUR-Lex - 52022SC0384 - EN - EUR-Lex](#).

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| <p>Economic operators may incur costs for data collection, record keeping, verification, certification, audits and adaptation of information systems. These costs may affect recyclers, producers of recycled plastics, converters, packaging manufacturers, brand owners, importers, distributors, fulfilment service providers and producers placing packaged products on the EU market. SMEs may be disproportionately affected, where compliance depends on complex supply-chain data or where certification and audit costs are largely fixed and therefore less easily absorbed by smaller operators.</p> <p>Importers and operators in third-country supply chains may also be affected where recycled content used in packaging placed on the EU market is linked to post-consumer plastic waste that has been collected, sorted or recycled outside the EU. The scale and distribution of these impacts will need to be examined based on specific evidence on data availability, audit and certification costs, access to recognised verification systems, certification capacity outside the EU, and possible effects on international recycled-plastic and packaging supply chains.</p> <p>Member States and market-surveillance authorities may need to adapt checks and enforcement practices.</p> <p>The main expected environmental impact is a more credible and enforceable use of recycled plastic in packaging, which supports resource efficiency, high-quality recycling and reduced reliance on virgin plastic.</p> <p>The main Sustainable Development Goals that will be affected are expected to be SDG 12 (responsible consumption and production), SDG 13 (climate action) and SDG 9 (industry, innovation and infrastructure).</p> <p>The proportionality of the initiatives will be considered by using existing data, documentation, certification and audit systems where appropriate, limiting unnecessary duplication, and taking account of the needs of SMEs, enforcement requirements and the realities of international supply chains.</p> |
| <b>Future monitoring</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>Implementation will be monitored through the evidence generated under the Packaging and Packaging Waste Regulation, including technical documentation, verification and audit outcomes, conformity and market-surveillance findings, feedback from Member States and economic operators, and information gathered through expert groups and committees</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>C. Better regulation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Impact assessment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>An impact assessment is not planned as the targets for recycled content, the main scope of the acts and the empowerments have already been set by the co-legislators in Regulation (EU) 2025/40, which was accompanied by an impact assessment. The purpose of the three acts is to make those requirements operational through technical rules on methodology, verification, sustainability criteria and equivalence. The Commission will collect and analyse evidence on expected costs, benefits, feasibility, proportionality, enforceability, impacts on SMEs, market-surveillance needs, international supply chains and implications for third-countries. This evidence and its analysis will inform the preparation of the implementing and delegated acts, and will be set out in a Commission staff working document.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Consultation strategy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

The consultation activities aim to collect technical and practical evidence needed to design rules that are enforceable and proportionate. All interested stakeholders within and outside the European Union will be able to provide feedback through this call for evidence on the Have Your Say portal. Contributions may be submitted in any of the 24 official EU languages. Given the technical nature of the initiative, the Commission will complement it with targeted consultation activities with relevant stakeholders, where appropriate. In line with the Commission's Better Regulation policy to develop initiatives informed by the best available knowledge, scientific researchers, academic organisations, learned societies and scientific associations with expertise in plastic recycling technologies, recycled-content calculation, verification, certification, environmental performance and international supply chains are invited to submit relevant published and pre-print scientific research, analyses and data.

1. In the preparation of the three acts, the Commission would like to collect evidence on the following in particular: data on imports of plastic recyclates:
  - What is the estimated annual volume of recycled content imported into the EU from third countries? (estimates by polymer type where available).
  - What proportion of plastic packaging placed on the EU market originates from third countries?
  - Which third countries are the main sources of recycled plastic or recycled content imported into the EU?
2. Verification scheme:
  - What verification, certification or chain-of-custody schemes are currently used to verify the origin, traceability and recycled content of plastics recovered from collected or recycled post-consumer plastic waste?