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ENV.B.3 – From Waste to Resources

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Subject: Proposal regarding the Packaging and Packaging Waste Regulation

Dear Mr Karlsson,

Thank you for your letter to Commissioner Jessika Roswall regarding unsustainable business models and packaging solutions in the hygiene industry which contribute to waste generation and hazardous waste. Your letter has been passed on to me for reply.

First of all, my apologies for the delayed response. I highly appreciate that you are bringing these issues to our attention, and I welcome your suggested solutions to these issues.

The use of packaging is on a steady rise in the EU since decades. The new Packaging and Packaging Waste Regulation (PPWR) intends to break this trajectory and make it easier for consumers and businesses to choose more sustainable options. Moreover, PPWR sets binding waste prevention targets for Member States. To reach these targets, Member States are encouraged to take measures, including economic incentives, to encourage industry to invest in reuse and refill systems. A new standard for dispenser systems could indeed ensure greater compatibility and allow scaling up refill systems. I take note of this suggestion for our further works.

All producers of packaging have to be part of an extended producer responsibility (EPR) system, thus required to finance the waste management of the packaging they place on the market. Moreover, PPWR establishes design-for-recycling criteria for packaging, which will be the source of future harmonised eco-modulated fees in EPR schemes for packaging. The design-for-recycling criteria for packaging are currently developed and will be based on standards developed by the European standardisation organisations. The final criteria will be set in a delegated act by 1. January 2028 and apply as of 2030. I can inform you that “ease of emptying” a packaging is explicitly mentioned in annex II, table 4 of PPWR as a parameter to be taken into account when the recyclability score of a packaging is determined. Given this, if it is difficult to empty the content of a packaging, it will count negatively towards the score and thus increase the EPR fees for the respective packaging.

The organisation of waste collection in Member States is decided nationally, and varies according to national circumstances, for example, whether the waste from a facility, where the hand sanitizer is used, is classified as household or commercial waste. Also, it is up to the Member States to assess, whether waste should be regarded as packaging waste or classified according to its content. This assessment normally depends on the “emptiness” of the packaging and the properties of the residual content. However, Member States may also apply other criteria for example that packaging with hand sanitizer should, *if empty*, be classified as non-hazardous. Therefore, the Commission cannot determine if there is inconsistency with the EU Guidance set in the Commission notice on technical guidance on the classification of waste (2018/C 124/01). Finally, let me recall that a notice is not a legal text and only the Court of Justice can interpret EU laws with legally binding effect.

Thank you once again for bringing these issues to our attention. We carefully investigate your proposals in the ongoing implementation of PPWR and other relevant policy fields.

Yours sincerely,

Karolina D'Cunha
Head of Unit (acting)