



SECTORAL GUIDELINES FOR THE ENVIRONMENTAL LABELLING OF PACKAGING

Electrical and Electronic
Equipment



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Letter from the President of Erion

Erion is always by its member Producers' side to support them in the effective and timely management of all regulatory obligations and, in particular, from 2021 also those related to packaging.

While waiting for Erion Packaging to receive the accreditation from the Ministry of Ecological Transition and become fully operational, we have decided to make available free of charge to all Producers of the Erion System **these Guidelines for the environmental labelling of packaging**, designed specifically for the packaging of Electrical and Electronic Equipment (EEE), with the aim to offer a useful and specific tool for the sector.

The recent regulatory developments (Legislative Decree No. 116 of 3 September 2020) which introduced **the mandatory environmental labelling of all packaging** released for consumption in the Italian territory have immediately raised concerns among packaging Producers and users regarding its application, so much so that the Italian government decided to suspend it until 31 December 2021.

These concerns also extend to the world of EEE Producers which the Erion System intends to represent here and to which it proposes, with this document, to provide clear and concrete answers. Although also shared by companies in other sectors, the concerns expressed by Erion members are closely linked to the **peculiarities of the sector to which they belong**: significant presence of imports of pre-packaged products, strong inclination towards export, heterogeneity of the reference market which concerns both domestic

(B2C) and professional (B2B) users, and great propensity for digitalization.

This gave rise to the idea of drawing up **sector specific guidelines for Producers registered with Erion**, capable of providing on the one hand a general overview of the new packaging labelling obligation and, on the other, in-depth information of specific interest to the EEE Producers sector, as well as practical examples of possible solutions to be implemented.

In order to draw up these Guidelines, Erion relied on Interseroh TSR Italia's collaboration, a company with over a decade of experience in the packaging sector and a partner of Erion Compliance Schemes for the operational management of waste and for the accreditation of Erion Packaging.

The contents of this document have been shared with the National Packaging Consortium (CONAI), which was the first to examine the new packaging labelling legislation and provide a key to its interpretation.

We hope that this 'preview' of Erion Packaging's future work will be useful and welcome, and that it can be seen as a concrete support to all Producers of the Erion System.

Andrea Fluttero
President of Erion Compliance Organization



1. Introduction

With the publication of these Guidelines, Erion intends to provide its members with a useful tool for interpreting the legal obligations concerning the labelling of packaging falling under its direct responsibility and at the same time produce operational proposals for complying with these obligations, taking into account the specific needs of the sector.

To pursue the above-mentioned aims, this document has been structured into two macro sections.

The first section (chapters 2-7) provides an overview of the labelling obligation on the basis of what has been clarified by the Ministry of Ecological Transition itself and proposes a possible reading of the text of the law in line with the official interpretation that the competent bodies have given it, first and foremost the National Packaging Consortium. In this section readers will find precise indications regarding: scope of application of the law, obliged subjects, minimum contents of the labelling, methods of affixing it, i.e. the channels that companies can use to convey the mandatory information and the form in which to present it to the final user and, finally, sanctions provided for failure to comply with the minimum requirements.

The second section (chapter 8) is instead entirely dedicated to the presentation of some representative case studies of our sector. As a result of intensive discussions with a num-

ber of member companies which took place in the months following the issuance of Legislative Decree 116/2020 (dedicated workshops, interviews and direct observations), it has been possible to collect a series of data on the materials and characteristics of the reference products and related packaging, useful for developing label proposals for some representative products, which are the subject of this chapter. It should be pointed out that these proposals have been developed by way of example for the sole purpose of graphically representing what has been amply explained in the previous chapters. These examples are not intended to be binding in any way with respect to the choices of the member companies, which, as we will see later, are free to label their packaging in the form and manner they deem most suitable for conveying the mandatory information required by the legislation in force.

In view of the continuous evolution of regulations on the environmental labelling of packaging, it should also be pointed out that this document was drawn up in November 2021 and published in December of the same year. The information contained herein is therefore based on the legislation in force at the time of its publication. In the event of any future regulatory additions or official communications from the competent bodies subsequent to the publication of this document that modify the provisions of the law, Erion will update these Guidelines accordingly.



2. Regulatory framework



2.1 The reference standards

The mandatory environmental labelling of packaging was introduced for the first time into national law by Legislative Decree 22/97 (better known as “Ronchi Decree”) which transposes, among others, Directive 94/62/EC on packaging and packaging waste.

Legislative Decree 152/2006, better known as the “Consolidated Environmental Law” (Testo Unico Ambientale - TUA), which in fact takes the place of the Ronchi Decree in the national regulatory framework on the management of packaging and packaging waste, under Article 219, paragraph 5, “Criteria inspiring the management of packaging waste” inherits and partly integrates what was already provided for by the previous Ronchi Decree on the environmental labelling of packaging.

However, as its wording indicates, the legislator refers to the issuing of a specific Ministerial Decree the definition of the specific indications to be included on labels, as well as the actual implementation of the mandatory environmental labelling of packaging.

However, such Ministerial Decree has never been issued and the mandatory environmental labelling of packaging has therefore remained unimplemented until 11 September 2020, date of the publication in the Official Gazette of **Legislative**

Decree 116/2020 which transposes EU Directive 2018/851 on waste and EU Directive 2018/852 on packaging and packaging waste and **amends paragraph 5 of Article 219 of Legislative Decree 152/2006** on the environmental labelling of packaging.

According to the provisions of Article 219, paragraph 5 of Legislative Decree 152/2006, as amended by Legislative Decree 116/2020, Article 3 paragraph 3, letter c), “*All packaging must be appropriately labelled in accordance with the procedures laid down in the applicable UNI technical standards and in compliance with the decisions adopted by the European Union Commission, to facilitate the collection, reuse, recovery and recycling of packaging, as well as to provide correct information to consumers on the final destination of packaging. Producers are also obliged to indicate, for the purposes of identification and classification of the packaging, the nature of the packaging materials used, on the basis of Commission Decision 97/129/EC*”.

With this wording, the legislator has eliminated any reference to a national implementation standard and has instead added specific references to already existing EU technical standards or decisions, thus making the provisions contained therein immediately applicable as of 26 September 2020, date on which the standard entered into force.



2.2 Suspensions and postponements

As a consequence of the entry into force of the mandatory environmental labelling of packaging in September 2020, Confindustria (General Confederation of Italian Industry) and many other associations have expressed concern about the timing of the measure, which does not allow packaging producers and users to adapt their production and management processes to the new legislation in force.

In view of the difficulties faced by companies in complying with the new standard, Decree Law 183 of 31 December 2020 – known as “Thousand extensions decree” (Milleproroghe 2021) – specifically provides for the **partial suspension** of the environmental labelling of packaging and extends the obligation to affix proper information on the final destinations of packaging.

A few months later, Law No. 69 of 21 May 2021, which converts Decree Law 41/2021 – better known as the “Support Decree” (Decreto Sostegni) – provides for the **complete suspension until 31 December 2021** of Article 219, paragraph 5 of Legislative Decree 152/2006 relating to environmental labelling of packaging. The same Decree provides that all packaging without the requirements prescribed in paragraph 5 of Article 219 of Legislative Decree 152/2006 already placed on the market or labelled before 1 January 2022 can be marketed **while stocks last**. It is shared opinion that the date on which

the packaging is ‘placed on the market’ corresponds to the date shown on the purchase documents (i.e. the date of the purchase invoice), regardless of when the actual physical transfer of the packaging or packaged goods takes place. Therefore, all packaging (full or empty) that was purchased already labelled (i.e. already printed or with a label already printed/affixed) prior to 31/12/2021 can be marketed after such date, even if they lack the information required by law.

On Thursday 25 November 2021, the Environment, Territory and Public Works Commission of MITE (Ministry of Ecological Transition) published its response to a question from the Chamber of Deputies regarding the labelling obligation with which it communicates that: *“The Ministry is taking steps to propose an amendment to the national standard containing the rule that governs the obligation in question, providing a measure that clarifies the application methods of such requirement with the aim of ensuring certainty and homogeneity, as well as compliance with European legislation on the free movement of goods in the single market. This regulatory amendment will be included in the first useful provision or in the corrective parts of Legislative Decree 116/2020”*. In practice, with this document, the Ministry confirms the entry into force of the standard from January 2022, but announces a change to the same aimed at clarifying the application methods.



2.3 Interpretation of the standard

The wording of the labelling obligation introduced by the new standard leaves space for interpretative doubts, both as regards the contents to be shown on the label and on the obliged subjects, as well as on the scope of the obligation and its implementation modalities, and raises many questions among packaging producers and users on specific and complex cases.

The National Packaging Consortium (CONAI) with the collaboration of trade associations – such as UNI, Confindustria and Federdistribuzione – immediately set up a working group that aims to develop a shared interpretation of the new obligation of environmental labelling of packaging- As a result of this joint work, the National Packaging Consortium published its own Guidelines entitled “*Environmental labelling of packaging*”, containing its own interpretation of the new obligation to label packaging.

The Ministry of Ecological Transition published on 17 May 2021 a Ministerial Circular with the explicit aim of clarifying any uncertainties that have arisen in the months following the entry into force of Legislative Decree 116/2020 with respect to some key issues: the subjects on which the obligation falls, the labelling of transport packaging and pre-packaging, the rules governing packaging intended for export, as well as the use of digital tools.

In order to comply with the text of the law and the official interpretation given by the competent parties, the indications contained in this document draw inspiration from the above-mentioned documents.



3.

Scope of application



3.1 Scope of application and relevant definitions

Legislative Decree 116/2020 provides that **“all packaging shall be appropriately labelled”**, and therefore the labelling obligation applies to all products – none excluded – which, pursuant to Legislative Decree 152/2006, fall under the definition of packaging given below:

“the product, composed of materials of any nature, used to contain certain goods, from raw materials to finished products, to protect them, allow their handling and delivery from the producer to the consumer or user, ensure their presentation, as well as disposable items used for the same purpose”.

As already mentioned, the Italian legislation, which provides for the mandatory environmental labelling, derives from the transposition of EU directives, which leave their implementation to the Member States. The MITE Circular of 17 May 2021 makes it clear that this obligation, which has not yet been harmonized at Community level with respect to the type of information to be provided with the labelling and the methods of application, must be **referred exclusively to packaging released for consumption in the national territory, as well as produced, filled and imported in Italy.**

Pending the coordination of the reference legislation, it is therefore appropriate to **exclude from the labelling obligation packaging destined for third countries**, which must therefore be subject to the specific regulations of the country

of destination. However, packaging destined for third countries must be accompanied, in all pre-export logistics, by appropriate documentation certifying its destination, or by transport documents and/or technical data sheets providing information on its composition.

For the purposes of the correct application of the standard, it is useful to recall two other relevant definitions: that referring to composite packaging and that referring to multi-component packaging which will appear several times throughout this document.

Pursuant to Decision 97/129/EC, **packaging is defined as 'composite' when is “made up of different materials which cannot be separated by hand”** as a result of treatment (e.g. coating, metallization, lamination, lacquering) or an actual bonding process.

Such packaging must be distinguished from **multi-component packaging, made up of separate components of different materials. In this case the various materials** that make up the packaging have not undergone a treatment or bonding process and can therefore be separated from each other either by hand (e.g. a smartphone box and its lid) or with the help of appropriate tools or instruments (e.g. the adhesive paper label affixed to the cardboard box).



3.2 Obligated subjects

The provision contained in Article 219, paragraph 5, second sentence of the Consolidated Environmental Law provides that packaging producers are the subjects obliged to *“state the nature of the packaging materials used, on the basis of Commission Decision 97/129/EC”*.

The same regulation provides in Article 261, paragraph 3 for a sanctions system related to the failure to comply with the obligation to label packaging which shall apply *“to anyone who places packaging on the internal market that does not meet the requirements of Article 219, paragraph 5”*.

Due to these apparent contradictions, the Ministry of Ecological Transition has itself deemed it appropriate to clarify the issue with a specific Circular dated 17 May 2021.

As specified by the same Ministerial Circular, **the labelling obligation is to be considered a shared responsibility between producers** (understood as manufacturers, processors and importers of empty packaging and packaging materials) **and users of packaging** (understood as traders, fillers and importers of filled packaging). While it is true that packaging producers are certainly the subjects obliged to correctly identify the packaging material since they know its actual com-

position, it is necessary to underline that the information required for correctly labelling the packaging as per paragraph 5 of Article 219 of the Consolidated Environmental Law is very often shared between the producer and the user of the packaging itself on the ground of its actual use. The preparation of the graphics, the contents and form as well as the layout to be printed on the packaging are in fact the responsibility of the user, who shares them with its packaging supplier responsible for its production. This *modus operandi* is regulated by the operators through commercial and contractual agreements that define the responsibilities and burdens falling on them in a shared manner.

Moreover, this interpretation is in line with the basic principle of proper management of packaging and packaging waste as set out in the Consolidated Environmental Act itself, and in particular in Article 219, paragraph 2 thereof which states: *“In order to facilitate the transition towards a circular economy in accordance with the ‘polluter pays’ principle, economic operators shall cooperate in accordance with the principle of shared responsibility”*.

For the purposes of the law in question, the user of the packaging is responsible as the Manufacturer.



4. Mandatory information



With regard to the content of the label to be affixed to packaging released for consumption in Italy, the following two obligations are derived from reading the text of the law:

1

Indication of the packaging material

"on the basis of Commission Decision 97/129/EC" useful "for the purposes of identification and classification of the packaging" itself.

2

Information to consumers on the final destination of packaging

"in accordance with the procedures established by the applicable UNI technical standards and in compliance with the decisions adopted by the European Union Commission, so as to facilitate the collection, reuse, recovery and recycling of packaging".

4.1 Indication of the packaging material

All packaging released for consumption in Italy must clearly indicate the relative packaging material. The packaging material must be identified with the **alphanumeric coding** provided for by Decision 97/129/EC, which establishes the numbering and abbreviations on which it is based the identification system that describes the nature of the packaging material(s) and specifies which materials are subject to this identification system.

This coding must be indicated **for all manually separable packaging components**, i.e. for all packaging materials that have been designed to be separated with the sole use of the hands and in a safe way for the final consumer (see the example below relating to the packaging materials of a TV set).



Below are the reference alphanumeric codes for mono-material packaging listed in Annexes I-IV and following of Commission Decision 97/129/EC.



ALPHANUMERIC CODES FOR MONO-MATERIAL PACKAGING

material	abbreviation	numbering
Polyethylene terephthalate	PET	1
High density polyethylene	HDPE	2
Polyvinyl chloride	PVC	3
Low density polyethylene	LDPE	4
Polypropylene	PP	5
Polystyrene	PS	6
		7
		8
		9
		10
		11
		12
		13
		14
		15
		16
		17
		18
		19

Table 1. Alphanumeric codes for plastic packaging
(Annex I – Decision 97/129/EC)

material	abbreviation	numbering
Corrugated fibreboard	PAP	20
Non-corrugated fibreboard	PAP	21
Paper	PAP	22
		23
		24
		25
		26
		27
		28
		29
		30
		31
		32
		33
		34
		35
		36
		37
		38
		39

Table 2. Alphanumeric codes for paper and fibreboard packaging
(Annex II – Decision 97/129/EC)

material	abbreviation	numbering
Steel	FE	40
Aluminium	ALU	41
		42
		43
		44
		45
		46
		47
		48
		49

Table 3. Alphanumeric codes for metal packaging
(Annex III – Decision 97/129/EC)

material	abbreviation	numbering
Wood	FOR	50
Cork	FOR	51
		52
		53
		54
		55
		56
		57
		58
		59

Table 4. Alphanumeric codes for wood packaging
(Annex IV – Decision 97/129/EC)



material	abbreviation	numbering
Cotton	TEX	60
Jute	TEX	61
		62
		63
		64
		65
		66
		67
		68
		69

Table 5. Alphanumeric codes for textile materials packaging (Annex V – Decision 97/129/EC)

material	abbreviation	numbering
Colourless glass	GL	70
Green glass	GL	71
Brown glass	GL	72
		73
		74
		75
		76
		77
		78
		79

Table 6. Alphanumeric codes for glass packaging (Annex VI – Decision 97/129/EC)

As can be seen from the tables above, each material family includes numberings that have not yet been associated with any specific material (e.g. 7 and following for plastic, 23 and following for paper, and so on). These numberings are therefore left 'available' to be used in the case of packaging materials not yet codified by Decision 97/129/EC.

The most common case is that of **plastic packaging made of polymers not codified by the Decision** (Table 1). Decision 97/129/EC provides alphanumeric codes for the identification of the specific material for just 6 different polymers. However, the polymers used in the production of plastic packaging are many more. Polymers other than those indicated in the Decision (Table 2) must therefore be identified with **code 7**.

Given the significant number of different existing polymers falling under the same code "7", in order to provide more precise information on the composition of plastic packaging, it is possible to voluntarily adopt one of the following wordings to accompany code "7":

- a) the abbreviation of the polymer's name provided for by the technical standard UNI EN 1043-1, where available (e.g.: PA 7 for polyamide) or, alternatively, the abbreviation commonly used in market practice (e.g.: PC 7 for polycarbonate);
- b) the full name of the plastic material (e.g.: Polycarbonate 7).

Also plastic packaging structurally composed of two or more polymers are identified by code "7", since Decision 97/129/EC does not provide specific codes for these materials. In order to provide more detailed information on the composition of multilayer plastic packaging, it is advisable to follow the provisions of the technical standard UNI EN 11469, according to which the abbreviations of polymers composing the packaging are written between the symbols ">" and "<", with the sign "+" placed in between. For example, a multilayer packaging made up of PET and HDPE may be identified as follows: >PET+HDPE< 7 or >PET1+HDPE2< 7.



ALPHANUMERIC CODES FOR COMPOSITE PACKAGING

material	abbreviation*	numbering
Paper and fibreboard/miscellaneous metals		80
Paper and fibreboard/plastic		81
Paper and fibreboard/aluminium		82
Paper and fibreboard/tinplate		83
Paper and fibreboard/plastic/aluminium		84
Paper and fibreboard/plastic/aluminium/tinplate		85
		86
		87
		88
		89
Plastic/aluminium		90
Plastic/tinplate		91
Plastic/ miscellaneous metals		92
		93
		94
Glass/plastic		95
Glass/aluminium		96
Glass/tinplate		97
Glass/miscellaneous metals		98
		99
* C plus abbreviation corresponding to the predominant material (C/).		

Table 7. Alphanumeric codes for composite packaging (Annex VII – Decision 97/129/EC)

As shown in Table 7, in the case of **composite packaging**, Decision 97/129/EC provides for different numbering according to the combination of materials. This numbering must then be accompanied by the following abbreviation: "**C/ abbreviation corresponding to the predominant material**", where by dominant it is meant the material prevailing by weight. For example, a packaging composed of paper and plastic, with paper as the predominant material by weight, must bear the alphanumeric code C/PAP 81.

Finally, it should be noted that, as reported in the CONAI Guidelines, which take their cue from the approach adopted in the Commission Implementing Decision (EU) 2019/665 regarding the reporting of packaging released for consumption

by Member States also for labelling purposes, the so-called **5% threshold** applies to composite packaging. In other words, where the weight of the secondary material(s) is less than 5% of the total weight of the packaging, the packaging is considered mono-material and labelled as such with the codes provided for in Annexes I to VI according to the prevailing material by weight. This threshold also applies if there are two or more secondary materials: therefore, if the sum of the weights of these materials is less than 5%, the packaging is considered mono-material. By contrast, if the sum of the weights of the secondary materials is greater than 5%, the packaging is labelled with the codes provided for in Annex VII of Decision 97/129/EC dedicated to composites, depending on the materials making up the packaging.



One example is a plastic coated paper case (folding carton): if the weight of the plastic layer is greater than 5% of the total weight of the case the correct code will be C/PAP 81, vice versa, if the weight of the plastic layer is less than 5% the correct code will be PAP21.

For the purpose of correctly indicating the packaging material, the possible presence of materials other than packaging materials such as glues and inks is not relevant, even if they weigh more than 5% of the total weight of the packaging. For example, an HDPE packaging with a glue layer that weighs more than 5% of the total weight of the packaging will show the HDPE 2 coding.

4.2 Information to consumers on the final destination of packaging

The standard provides that in addition to the alphanumeric coding identifying the packaging material, it is also necessary to provide information to consumers on the final destination of the packaging in order to facilitate its *“collection, re-use, recovery and recycling”*. Specifically, it is about informing the consumer about the correct disposal of packaging at the end of its life, using the **appropriate wording to support him/her in the separate waste collection**.

This information, as well as the alphanumeric coding identifying the material, must be indicated **for all manually separable packaging components**, i.e. for all packaging components that have been designed to be separated with the sole



use of the hands and in a safe way for the final consumer (see the example above regarding the packaging materials of a TV set).

To this end, it should be noted that **all packaging can be sent for separate waste collection**, whether it is recyclable or not according to the current state of technology, without prejudice to the good rules for high-quality separate collection (e.g. always empty the packaging of its contents and reduce its volume whenever possible). Packaging that can be sent for recycling will follow that specific waste stream; all other packaging will be separated in the sorting plants and destined for energy recovery. Packaging's recyclability must be assessed through specific surveys and studies and is part of the additional information that a company may voluntarily choose to display on the packaging, but it is independent from the information regarding the disposal of the packaging.

The only exception to this rule concerns for the most part paper-based composite packaging with a percentage of paper less than 60% of the total weight, a percentage that not only compromises its recyclability, but also considerably increases the **environmental impact of the recycling process** as it produces huge quantities of waste material and consumes a lot of energy. In these cases therefore, the invitation to companies is to indicate on the label that it is disposed of in the mixed waste collection in order to minimize the environmental impact related to its end-of-life management.

With the aim of facilitating the companies in the industry in implementing the above provisions, the following are our suggestions with regard to the indications on the final destination of the packaging (item “Disposal”) corresponding to each of the identification codes provided for by Decision 97/129/EC.

material	abbreviation	numbering	disposal
Polyethylene terephthalate	PET	1	Plastic collection
High density polyethylene	HDPE	2	Plastic collection
Polyvinyl chloride	PVC	3	Plastic collection
Low density polyethylene	LDPE	4	Plastic collection
Polypropylene	PP	5	Plastic collection
Polystyrene	PS	6	Plastic collection

Table 8 – Information to consumers on the final destination of plastic packaging

material	abbreviation	numbering	disposal
Corrugated fibreboard	PAP	20	Paper collection
Non-corrugated fibreboard	PAP	21	Paper collection
Paper	PAP	22	Paper collection

Table 9 – Information to consumers on the final destination of paper and fibreboard packaging

material	abbreviation	numbering	disposal
Steel	FE	40	Metal collection
Aluminium	ALU	41	Metal collection

Table 10 – Information to consumers on the final destination of metal packaging

material	abbreviation	numbering	disposal
Wood	FOR	50	For its correct disposal, check your local municipality guidelines
Cork	FOR	51	Dedicated separate collection or organic waste collection

Table 11 – Information to consumers on the final destination of wood packaging

material	abbreviation	numbering	disposal
Cotton	TEX	60	For its correct disposal, check your local municipality guidelines
Jute	TEX	61	For its correct disposal, check your local municipality guidelines

Table 12 – Information to consumers on the final destination of textile materials packaging

material	abbreviation	numbering	disposal
Colourless glass	GL	70	Glass collection
Green glass	GL	71	Glass collection
Brown glass	GL	72	Glass collection

Table 13 – Information to consumers on the final destination of glass packaging



For composite packaging, the indications for its collection follow the prevailing material by weight. For example, a composite packaging made of plastic (LDPE) and aluminium with plastic as the prevailing material by weight (code C/LDPE 90) must bear the indication "Plastic collection". Conversely, if the predominant material by weight is aluminium (code C/ALU 90), it must bear the indication "Metal collection". A separate case is that of **mainly paper-based composite packaging with a percentage of paper less than 60% of the total weight of the pack** which, for the reasons given above, should bear the indication **"mixed waste collection"**.

For **compostable packaging**, it is possible to indicate **"separate organic waste collection"** only if, as specified by the same Legislative Decree 116/2020, it meets the following requirements:

- a) it is certified by accredited bodies as conforming to the technical standard EN 13432¹;
- b) it is appropriately labelled and includes, in particular, the mention of compliance with the above-mentioned technical standard, as well as the identifying elements of the producer and the certifier.

4.3 B2C Packaging and B2B Packaging

There is a general view that a careful reading of the text of the law reveals different rules regarding the minimum content to be included in the environmental label depending on whether the packaging's destination is the B2C or the B2B circuit.

Packaging intended for the B2C circuit means packaging that (as is or in the form of pre-packaged products) is sold to the consumer, understood as any *"natural person acting for purposes unrelated to his/her commercial, business, trade or professional activity"* (Article 3 paragraph 1 of the Italian Consumer Code), which typically ends its useful life in private households.

Conversely, packaging intended for the B2B circuit means packaging that (as is or in the form of pre-packaged products) is sold to professionals – that is say any *"natural or legal person acting in the exercise of his/her commercial, business, tra-*

de or professional activity" (Article 3 paragraph 1 of the Italian Consumer Code), which typically ends its useful life within the commercial/industrial circuit.

Article 219, paragraph 5 of Legislative Decree 152/2006, as amended by Legislative Decree 116/2020, lays down that environmental labelling has, among others things, the purpose of "providing consumers with proper information on the final destinations of packaging". From this wording it is clear that the information on the final destinations of the packaging is specifically addressed to the consumer. Consequently, **packaging intended for the B2B channel would be exempted from the obligation to provide information on the correct disposal in the separate waste collection.**

This interpretation is shared by the National Packaging Consortium as extensively argued in its Guidelines.

In a nutshell, this reading of the text of the law gives rise to the following considerations:

material	B2C Packaging	B2B Packaging
Indication of the packaging material <i>alphanumeric coding according to Decision 97/129/EC</i>	Mandatory	Mandatory
Information to consumers on the final destination of packaging <i>wording useful for its correct disposal in separate waste collection</i>	Mandatory	Voluntary

¹By way of non-limiting example, the following are the main accredited bodies on the Italian market that issue compostability marks: CIC - Italian Consortium of composters, TUV, DIN Certco, European Bioplastics Association.



With specific reference to the electrical and electronic equipment (EEE) sector and based on what emerged from the constant dialogue with member companies, it is possible to divide packaging materials and transport packaging into four macro categories:



HOUSEHOLD EEE SALES PACKA

This refers to sales packaging (sold off the shelf together with the product) of EEE pertaining to domestic channel, i.e. sold to “*natural persons acting for purposes unrelated to their commercial, business, trade or professional activity*”. By way of example, we could mention small household appliances, electronic toys or telephone products purchased by the home user from large retailers. Such packaging is, by definition, classifiable as **B2C packaging** and therefore **must display on the label both an indication of the composition material (alphanumeric coding) and the information to consumers on the final destination** of the same.



PROFESSIONAL EEE SALES PACKAGING

This refers to sales packaging (sold together with the product) of EEE pertaining to the professional channel, i.e. sold to “*natural or legal persons acting in the exercise of their commercial, business, trade or professional activity*”. By way of example, we could mention large professional printers purchased by a business or other professional users. Such packaging is by definition classifiable as **B2B packaging** and therefore, according to the reading of the above-mentioned text of the law, **it is only required to show on the label the indication of its composition material (alphanumeric coding)**.



SALES PACKAGING OF HOUSEHOLD PERTAINING TO CLOSED-LOOP CIRCUITS

This refers to sales packaging (sold together with the product) of EEE with marketing logics that usually require an installation service by a professional who is also accountable for collecting the packaging after the delivery of the good to the end user (so-called “closed-loop” systems). This category includes all large household appliances such as refrigerators, washing machines, ovens, hobs and air condition-

ers. In the case, for example, of the refrigerator or washing machine, it cannot be excluded that a portion of consumers, albeit marginal, will install the appliance themselves, perhaps after purchasing it through e-commerce platforms. In this case, the end-of-life disposal of the sales packaging of such products is directly the responsibility of the home user. In other cases, as for example air conditioners, the installation must necessarily be carried out by a professional, who generally also takes care of collecting the packaging. **Depending on the type of product and the specific sales channel used by the producer, the packaging materials of such products may therefore fall within the B2B channel or the B2C channel and may consequently be subject to different environmental labelling regulations. If the final destination of the packaging is not yet known (i.e., when it's not certain that the installation and related management of the packaging are carried out by a professional), it is suggested as a precautionary measure to include on the label both the indication of the composition material (alphanumeric coding) and the information to consumers on the final destination of the same.**



TRANSPORT PACKAGING

This refers to all secondary and tertiary packaging used for transporting EEE (both household and professional) from production sites to warehouses (or other logistics providers) and from the latter to large and small-scale distribution operators. Such packaging is not intended for the final consumer (domestic user) and consequently does not flow into the so-called urban separate collection, but, once its useful life is over, remains within the industrial circuit (warehouses/production sites) or commercial (small and large-scale distribution) circuit. Such packaging is by definition classifiable as **B2B packaging** and therefore, according to the reading of the above-mentioned text of the law, **it is only required to show on the label the indication of the material (alphanumeric coding)**.





5. Methods of affixing the label

The standard provides that all packaging must be “appropriately labelled”. This means that the label can be presented **in the form and manner that the company considers most suitable** and effective for conveying the mandatory information required by the legislation in force. Each company has

therefore the option to communicate the information with freely chosen graphic forms and presentation methods, as long as they are **effective and consistent with the objectives** set out in Article 219, paragraph 5.

5.1 The choice of physical or digital media

First of all it should be pointed out that **the labelling obligation concerns all packaging components that can be separated manually**, i.e. any component designed to be completely separated from the main body with the sole use of the hands and without any risk to health.

In order to comply with this obligation, **companies are free to convey and communicate the information to be provided on the label via a physical medium and/or digital medium**.



PHYSICAL MEDIUM

Companies opting for a physical medium must **affix/print the label directly on the packaging**. In this case, the mandatory information (alphanumeric coding for all packaging, accompanied by collection instructions in the case of B2C packaging) should be affixed to each manually separable component. When this is not possible, they may be affixed to the **main body** or the presentation packaging (typically the sales unit), the label or the outer packaging.

Let us take as an example the case of a box containing a small domestic appliance and related accessories, each protected by a plastic bag. If due to space problems or technological limitations the company is unable to affix the mandatory information on each of the listed components, it can affix on the box both the information relating to the box itself and that relating to the plastic bags that are inside.

As emerged from discussions with Erion members, the Electrical and Electronic Equipment sector, as well as other sectors,

often encounters economical and structural problems that make it difficult to implement the solution of directly printing/affixing the environmental label on packaging. The following are some the main cases encountered:

- pre-packaged goods of foreign origin;
- multilingual packaging where the destination market is not yet known;
- small packages or with limited printed spaces (such as in the case of small electronic devices, earphones, cables, small light bulbs or others);
- neutral packaging, i.e. non-customized and therefore without any printing or graphics: this is the case, for example, with pallets, boxes, straps, layer pads, angle bars and palletising film.

The circumstances mentioned above represent a real impediment to affixing the label directly on the packaging and give rise to the need of finding alternative solutions.

In these cases, the Ministry of Ecological Transition itself has opened to the use of external supports (Circular of 17/5/2021). More specifically, for EEE packaging that falls into this category, as an alternative to directly affixing the label/printing on the packaging, it is suggested to alternatively include the mandatory information in one of the following media:

- a) **operating instructions**
- b) **transport documents (valid only for transport packaging)** – MITE Circular of 17/5/2021



In case the operating instructions are used as a support, we recommend using, where already present, the section in Italian language, specifying that this information is valid only for Italy.



DIGITAL MEDIUM

The Ministry of Ecological Transition has expressed itself in favour of the use of digital tools to fulfil the mandatory environmental labelling of packaging, stating, in the Circular of last May 17, that *“it is allowed to privilege tools for digitizing information (e.g. APP, QR code, websites), in line with the process of technological innovation and simplification”*.

For companies wishing to opt for the “digital label”, here are some suggestions that we invite you to consider in order to make this tool consistent with the intent of the legislator to *“provide correct information to consumers”*:

- the chosen channel, be it an APP or a website, must be made **accessible to the user**, which means that the user must find, on the packaging or possibly on the operating instructions or alternatively at the point of sale – be it physical or digital, a reference (**QR code** or **link**) to the chosen channel accompanied by an explicit indication

that the same refers to contents concerning the nature of the material and the correct disposal of the packaging of the product purchased.

- Such contents must be easily **traceable by the user** once logged into the APP or the website. For example, if the company chooses to host such contents on its website, it is advisable to create a dedicated page where the user can easily find the information regarding the packaging of the product purchased.

Finally, it should be noted that the digital channel does not necessarily need to be an alternative to the physical medium but can also be complementary. In other words, it is possible to opt for a ‘mixed’ solution that combines, in the manner that the company deems most appropriate, the physical and digital media, conveying the mandatory information partly on one and partly on the other channel or simultaneously on both, but with different forms and languages.

In view of the above, we believe it would be useful to summarize in the diagram below the possible solutions proposed for the mandatory environmental labelling of packaging.



PHYSICAL MEDIUM

1) PRINTING/AFFIXING THE LABEL DIRECTLY ON PACKAGING

- individually on each manually separable component or
- collectively on the main body

2) OPERATING INSTRUCTIONS

3) TRANSPORT DOCUMENTS

(only for B2B packaging)



DIGITAL MEDIUM

1) APP

(with explicit reference shown on the physical medium – QR code or link)

2) WEBSITE

(with explicit reference shown on the physical medium – QR code or link)



5.2 Graphical characteristics

As regards the graphical characteristics of the environmental label, the standard does not provide precise formulas, granting producers and users of packaging substantial **freedom of choice on the graphic style, shape and colours** of the label.

If, however, as specified by the legislator, the packaging must be *"appropriately labelled"*, it is assumed that the shape chosen must fulfil the purpose of making the information conveyed **clear, not misleading, easily understandable by any consumer as well as being easily readable**.

To this end, it is suggested to refer to the provisions already laid down in the food sector by EU Regulation 1169/2011, Article 13 regarding **font size**. This Regulation provides that the information should be displayed on the pack in characters whose median part (height of the x)² is equal to or greater than 1.2 mm. If instead the package has a larger surface measuring less than 80 cm², the height of the x of the font size can be equal to or greater than 0.9 mm.

As for colours, it is possible to design single-colour environmental labels. If, on the other hand, it is decided to use a coloured label, in order to harmonize and standardise the information provided to citizen, CONAI indicates UNI 11686 standard on Waste Visual Elements as a reference guideline, which provides for the following colour codes:



BLUE
for paper



BROWN
for organic
waste



YELLOW
for plastic



TURQUOISE
for metals



GREEN
for glass



GREY
for unsorted waste

² In typography terms 'median part' refers to the distance existing in a typeface between the baseline and the midline. It generally corresponds to the height of the letter x of the typeface (which is where the terminology comes from) since the other letters generally have optical corrections that increase their size.



6. Sanctions



Article 261, paragraph 3 of Legislative Decree 152/2006, as amended by the recent Legislative Decree 196/2021 (implementing the SUP Directive)³, states that **“anyone putting packaging on the domestic market without the requirements envisaged in Article 219, paragraph 5, will be subject to an administrative sanction ranging from EUR 5,200 to EUR 40,000”**.

If the violation involves multiple packaging, as it is presumed to happen in most cases, the administrative sanction will not be applied on a ‘cumulatively’ basis on each single package with non-compliant environmental labelling, but such circumstance – it is assumed – may determine a greater ‘seriousness of the violation’. The relevant administrative body will therefore be able to assess whether to apply a sanction closer to the maximum limit, considering also the other parameters foreseen by the above-mentioned regulation, i.e. the work carried out by the obliged subject to eliminate or mitigate the consequences of the violation of the mandatory environmental labelling of packaging, the personality of the obliged subject, as well as other economic conditions.

With reference to subjects potentially liable to sanctions, it should also be stressed here that, as clearly expressed by the legislator with the term “anyone”, **any industry operators that puts non-compliant packaging on the national market are liable to sanctions**, whether they are producers or importers, traders or users of packaging and/or packaged goods.

The same Legislative Decree 152/2006 states in Article 262, paragraph 1, that *“the province in whose territory the violation was committed shall provide for the imposition of the administrative sanctions envisaged in part four of this decree”*, confirming that **the Provinces are the bodies responsible** for the control and possible imposition of sanctions.

Although the standard does not specify how the checks will be carried out, it is presumed that the Province shall carry out the checks, both on a ‘sample bases’ and following a possible report from a consumer or other interested individual.

³ In the previous version, Article 261, paragraph 3 of Legislative Decree 152/2006 provided for an administrative sanction of up to EUR 40,000, instead of EUR 25,000, as laid down by the amendment recently introduced by Legislative Decree 196/2021. This amendment will take effect from 14 January 2022, date of the entry into force of Legislative Decree 196/2021.



7. Notes on voluntary labelling







To conclude our excursus on the mandatory environmental labelling of packaging, and before presenting some case studies of interest accompanied by our labelling proposals, we feel it would be useful to dedicate a last short chapter to the world of voluntary environmental labelling in order to get rid of some misunderstandings that risk creating confusion.

To this end, we would like to point out that, **with reference to packaging placed on the Italian market, any information other than that provided for in Article 219, paragraph 5 of Legislative Decree 152/2006 is not mandatory**. Companies may therefore voluntarily decide to communicate other information in addition to the mandatory ones, for example regarding the recyclability of their packaging, the content of

recycled material or other. However, this information and the relevant reference marks must not be confused with the information required by law and presented up to now (alpha-numeric coding of packaging materials and information to consumers on the final destination of packaging) as they refer to precise technical standards and certification schemes that companies can adopt on a voluntary basis.

There are many voluntary packaging labelling schemes and here we believe it is useful to present only the main ones, namely those most common and that generate more questions about their use in order to clarify their meaning and prevent any improper use by companies producing and using packaging.

NAME	MARK	MEANING
Mobius loop		Indicates the recyclability of the packaging (according to UNI EN ISO 14021 standard and in compliance with UNI EN 13430 standard).
Mobius loop		Indicates the content of recycled material (according to the UNI EN ISO 14021 standard).
Green Dot		For some systems and countries, it identifies the participation and financing of the packaging bearing this mark to the respective packaging recovery system (check the relevant provisions in each individual country).
n/a		It identifies plastic polymers in accordance with CEN/CR 14311 report (used with plastic polymer codes within arrows forming a triangle). Although the use of this symbol has become a market practice for the identification of packaging materials, Legislative Decree 116/2020 clearly indicates to identify the packaging materials by adopting Decision 97/129/EC, and not other existing references or practices.
n/a		Invitation to not dispose of packaging in the environment introduced by Ministerial Decree dated 28 June 1989, subsequently repealed by Article 36 of Law No. 14 of 3 February 2003, (later repealed by the current Legislative Decree 152/2006).



8.

Case studies: examples of labelling of Electrical and Electronic Equipment packaging



As mentioned above, this chapter is entirely dedicated to the presentation of some representative case studies of the Electrical and Electronic Equipment (EEE) sector.

As a result of intensive discussions with a number of member companies, it has been possible to collect a series of data on the materials and characteristics of the reference products and related packaging, useful for developing **label proposals for some representative products**, which are the subject of this chapter.

Erion has also created a template for the Producers to easily set their own labels. The document can be downloaded from Erion portal.

It should be noted that these proposals have been developed by way of example for the sole purpose of graphically representing what has been amply explained in the previous chapters. Therefore the examples shown below are not intended to be binding in any way with respect to the choices of the member companies, which, as explained above, are free to label their packaging in the form and manner they deem most suitable for conveying the mandatory information required by the legislation in force, as long as they are effective and consistent with the objectives set out in Article 219, paragraph 5 of Legislative Decree 152/2006.

With regard to the cases proposed below, it is understood that each producer customizes the packaging according to the specific nature of its product, its marketing policies and its supply chain. Therefore, the packaging materials and transport packaging referred to herein are to be considered as examples of the relative family of products concerned, but they may not entirely correspond to those used for the own specific products.

In view of the possible critical issues, already mentioned several times, that the sector of EEE producers has to face with regard to the environmental labelling of packaging (pre-packaged goods of foreign origin, multilingual packaging where the destination market is not yet known, small packaging, neutral, non-personalized packaging, without printing or graphics), it was deemed appropriate to study two alternative solutions for each of the case studies proposed below.

- The first proposal envisages the direct affixing/printing on the main body of the packing system (the sales unit) or alternatively on an external medium (operating instructions or transport documents) of all the mandatory information (alphanumeric code, accompanied by the indications for its disposal only for B2C packaging). The solution of printing on the pack is suitable for those companies that do not have problems of space (medium-large sized products) or language (products packaged in Italy and intended exclusively for the Italian market) and that can therefore affix directly on the packaging all the mandatory information in Italian.
- Conversely, the second proposal envisages the direct affixing/printing on the main body of the packing system (the sales unit) of the alphanumeric code only, accompanied by a reference (link or QR code) to a digital channel (website or APP) containing the indications for its disposal where necessary. This solution is suitable for those companies that, on the other hand, have problems of space (small products) or language (pre-packaged products of foreign origin and intended for both the Italian and foreign markets). The use of the digital channel for country specific information makes it possible to design multilingual labels and overcome any regulatory differences between one country and another, for example by providing



a browsable web page/app where the user can retrieve the information of his/her interest according to the country of residence. In addition, the information contained on digital channels, unlike that printed on physical media, can be easily updated in the event of subsequent regulatory developments or changes in the composition of the packing system.

Naturally, in this second case, the company may also decide to post all the mandatory information, including the alphanumeric code, directly on digital channels, printing on the physical medium only the reference link or QR code, with appropriate indication to the consumer to use these references to consult the information about the composition material and the correct disposal of packaging.

Both proposed solutions also envisage the use of stylized icons depicting the packaging items to which the information displayed refers, also useful for overcoming any language problems as well as more effectively conveying the message to the end user.

The proposed icons have been designed by Erion and are available to member companies should they wish to use them. For other packaging not represented here, companies can develop their own custom icons.



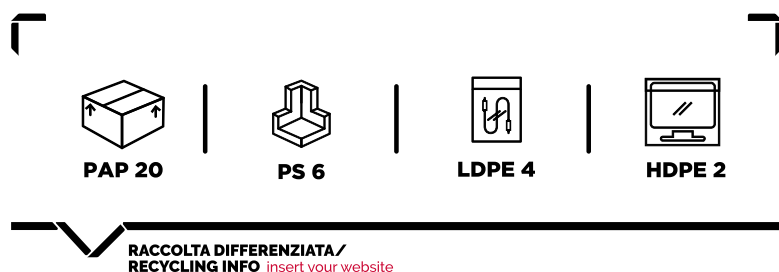
TV LABEL

B2C packaging

OPTION 1

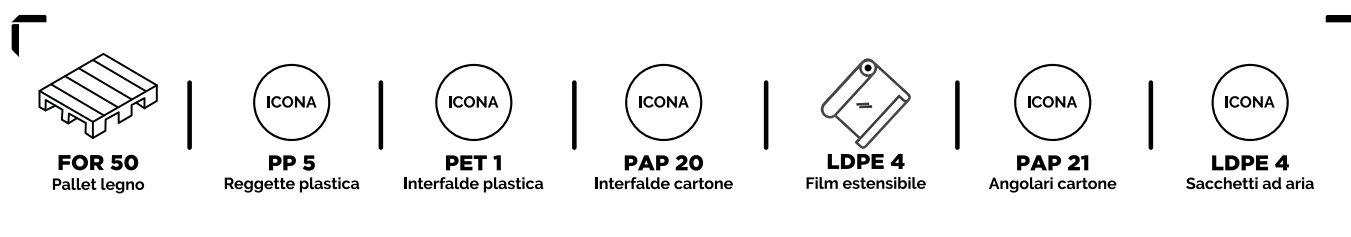


OPTION 2

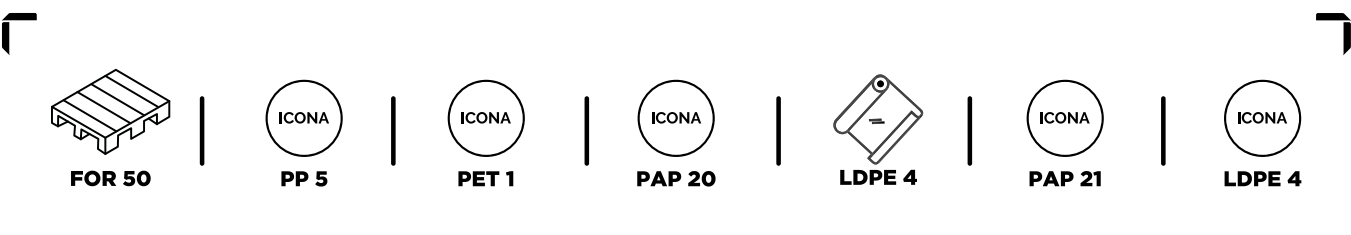


B2B packaging

OPTION 1



OPTION 2



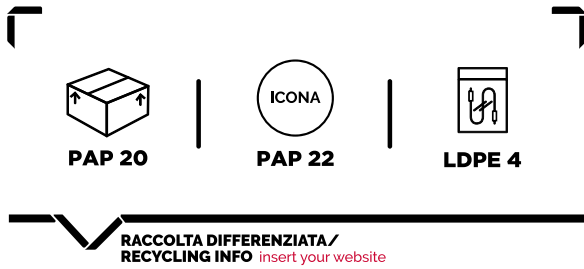
SMALL HOUSEHOLD APPLIANCE LABEL

B2C packaging

OPTION 1

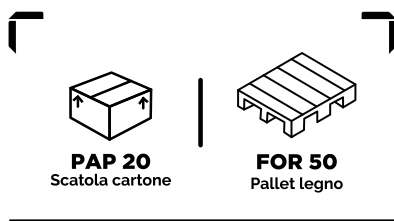


OPTION 2

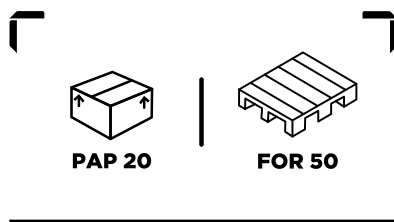


B2B packaging

OPTION 1



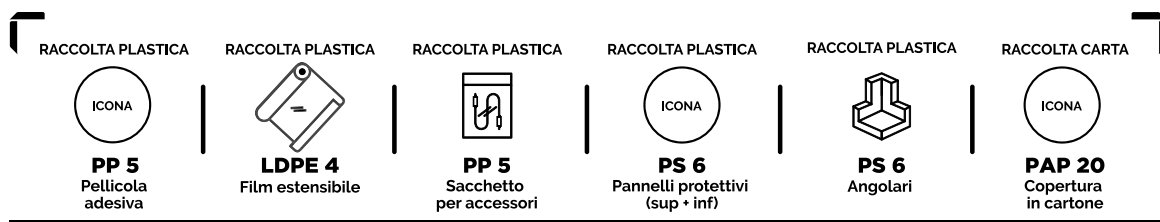
OPTION 2



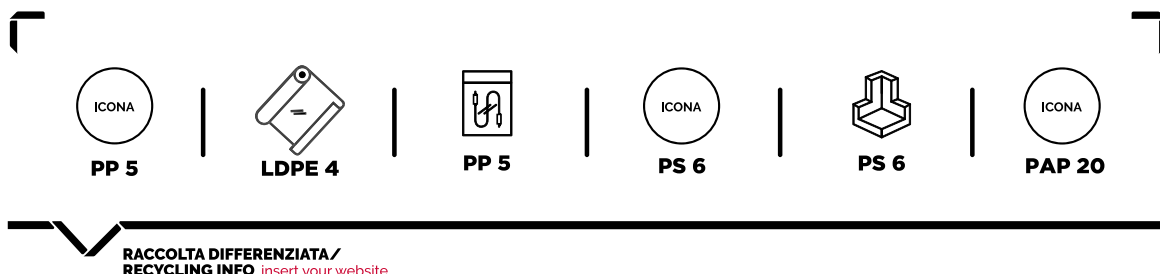
WASHING MACHINE LABEL

B2C packaging

OPTION 1



OPTION 2



Such packaging falls within the family of sales packaging of household EEE pertaining to closed-loop circuits (page 17). Although the purchase of the washing machine often includes an installation service by a professional who takes care of collecting the packaging, we cannot exclude that a portion of consumers, however limited and residual, will indepen-

dently install the appliance and dispose of the packaging in the urban separate collection. Therefore, it is suggested as a precautionary measure to include on the label both the indication of the composition material (alphanumeric coding) and the information to consumers on the final destination of the same (paper/plastic collection).



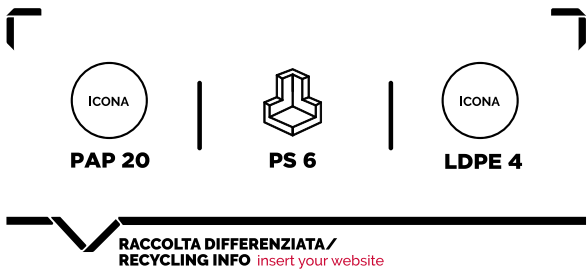
ELECTRIC GUITAR LABEL

B2C packaging

OPTION 1

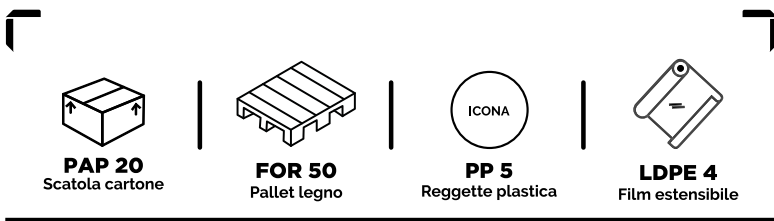


OPTION 2

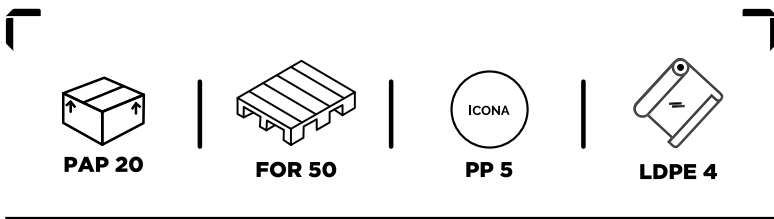


B2B packaging

OPTION 1



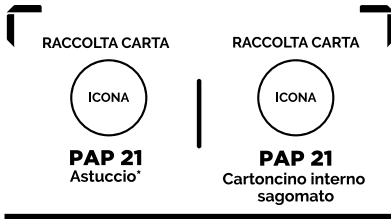
OPTION 2



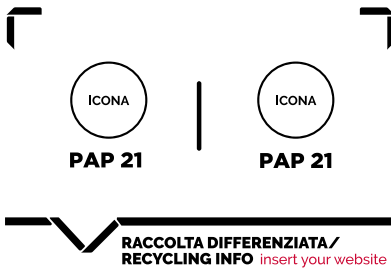
LED LAMP LABEL

B2C packaging

OPTION 1



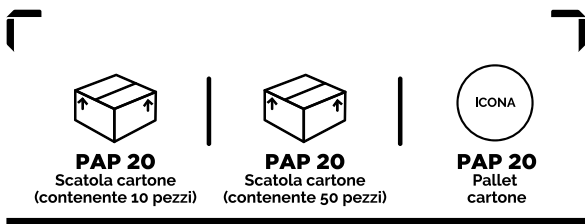
OPTION 2



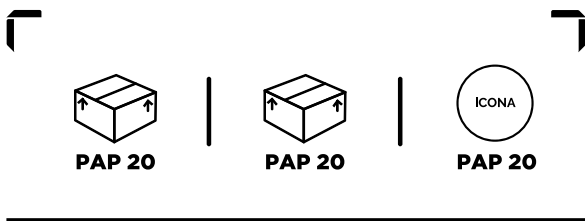
* if the case has a plastic window, the same must bear the indications of the material code and the disposal instructions only if manually separable from the case (e.g. if there is a perforation that facilitates its removal).

B2B packaging

OPTION 1



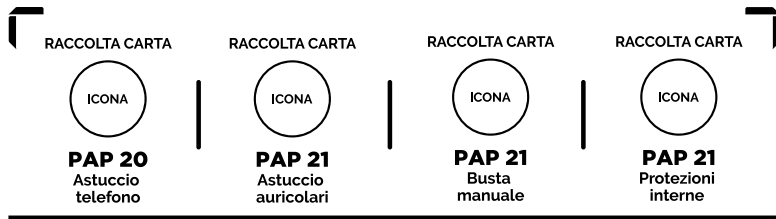
OPTION 2



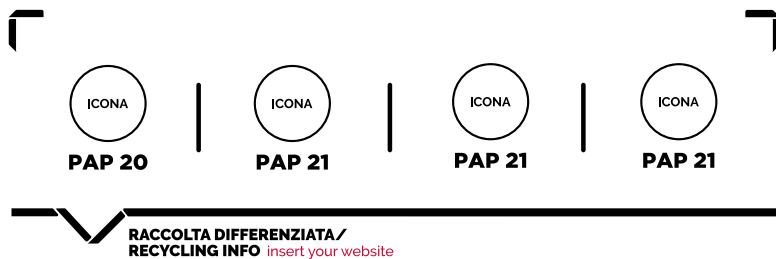
SMARTPHONE LABEL

B2C packaging

OPTION 1

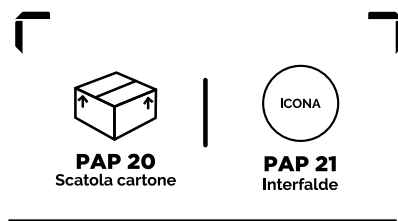


OPTION 2

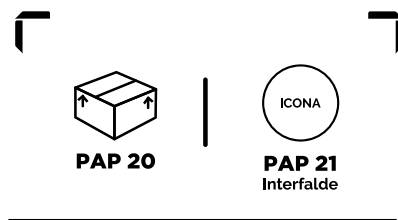


B2B packaging

OPTION 1



OPTION 2





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