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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED DECISION (EU) .../... of 12.8.2026 amending Decision 2001/171/EC as regards crystal glass packaging

Delegations will find attached document C(2026) 5778 final.

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EUROPEAN
COMMISSION

Brussels, 12.8.2026
C(2026) 5778 final

COMMISSION DELEGATED DECISION (EU) .../...

of 12.8.2026

amending Decision 2001/171/EC as regards crystal glass packaging

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2025/40 of the European Parliament and of the Council on packaging and packaging waste¹ (“PPWR”) establishes harmonised requirements for packaging placed on the Union market, including requirements concerning the presence of heavy metals in packaging and packaging components. Article 5(4) provides that the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components shall not exceed 100 mg/kg.

Under Directive 94/62/EC², packaging made entirely of lead crystal glass benefited from a general derogation. Following the repeal of Directive 94/62/EC by Regulation (EU) 2025/40, the general derogation ceases to apply and the PPWR empowers the Commission, in its Article 5(8) to supplement this Regulation by establishing derogations under certain specific conditions.

Packaging made of lead crystal glass within the meaning of Directive 69/493/EEC in its Annex I³ cannot, for now, comply with the concentration limit in Article 5(4) because such crystal glass contains, by definition, lead oxide. Lead crystal corresponds to the category characterised by a lead oxide (PbO) content of at least 24%, a density of at least 2.90 and a refractive index of at least 1.545.

The European Domestic Glass and the French Federation of Crystal and Glass requested a derogation by means of a delegated act under Article 5(8) of Regulation 2025/40. They demonstrated that scientific and technical progress towards the development and industrial deployment of lead-free crystal glass has already been achieved. Several crystal glass producers have developed and tested lead-free compositions and have initiated investments in new production processes capable of reducing or eliminating the use of lead. The transition remains technically complex because furnaces, cullet streams and production environments retain residual lead contamination originating from the historical lead-based production processes. Compliance with the 100 mg/kg threshold therefore requires the deployment of dedicated lead-free production infrastructure and the gradual elimination of residual contamination throughout the manufacturing process.

The industry has committed to cease lead crystal production by 31 December 2028. A further period until 31 December 2029 is necessary to permit completion of finishing operations, including cold glass working, stock run-off and placing on the market of products already manufactured.

Production of such packaging within the Union is carried out by a limited number of specialised crystal glass producers and exclusively concerns packaging formats intended for luxury spirits, perfume and cosmetics products. The packaging formats concerned consist mainly of bottles, flacons and similar containers manufactured from lead crystal glass within the meaning of Directive 69/493/EEC. These packaging formats are characterised by low production volumes, high unit value and long commercial life cycles.

¹ Regulation (EU) 2025/40 of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC OJ L 79/44, 22.1.2025

² European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (*OJ L 365, 31.12.1994, pp. 10–23*) as last amended by Directive (EU) 2018/852 of 30 May 2018

³ Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (*OJ L 326, 29.12.1969, pp. 36–39*)

The information submitted demonstrates the existence of a closed and controlled loop involving crystal glass producers, customer houses, distributors and end users. Crystal glass packaging may be permanently identified, returned for free through established commercial channels and reintroduced into the manufacturing process of the original crystal glass producer. The limited number of operators involved and the traceability of the packaging contribute to ensuring the operation of a closed and controlled loop within the meaning of Article 5(8) of Regulation (EU) 2025/40.

Packaging intended for prolonged contact with liquids is systematically subjected to a dealkalisation treatment or an equivalent process creating a silica-rich barrier layer on the inner surface of the crystal glass. Scientific studies submitted to the Commission indicate that such treatment significantly reduces the migration of lead into contents and contributes to maintaining a high level of health protection during the transition period.

The delegated act therefore amends Decision 2001/171/EC⁴ by creating a specific temporary and conditional regime for lead crystal glass packaging while preserving the existing recycled-glass derogation.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The European Domestic Glass and the French Federation of Crystal and Glass requested the adoption of a delegated act pursuant to Article 5(8) of Regulation (EU) 2025/40. They submitted technical and economic information concerning the specific characteristics of lead crystal glass packaging and the ongoing transition towards lead-free crystal production.

The information submitted indicated that:

- Packaging made of lead crystal glass represents a highly specialised and low-volume production segment mainly serving the luxury spirits, perfume and cosmetic sectors;
- Production within the Union is concentrated in a small number of specialised facilities, notably in France, Portugal, Czech Republic and Slovenia;
- The sector has already engaged in transition in the light of scientific and technological progress, committing substantial investments exceeding EUR 50 million in the transition towards lead-free crystal. The industrial transformation is on-going and complex due to furnace adaptation, replacement of refractory materials, segregation of cullet streams, stabilisation of lead-free compositions in manufacturing techniques, preservation of specialised artisanal know-how and simultaneous decarbonisation requirements. Compliance with the 100 mg/kg threshold not only requires the elimination of intentionally added lead but also the removal of residual contamination originating from historical lead-based production processes;
- The sector intends to phase out lead crystal production by 31 December 2028 and complete stock run-off by 31 December 2029;
- The sector operates in a closed and controlled loop, with a concentration of actors:

⁴ 2001/171/EC: Commission Decision of 19 February 2001 establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste (Text with EEA relevance) (notified under document number C(2001) 398) (*OJ L 62*, 2.3.2001, pp. 20–21) (ELI: <http://data.europa.eu/eli/dec/2001/171/2006-05-12>)

- with crystal makers supplying the packaging, and responsible for the crystal lead composition, the manufacturing process, the dealkalisation (cementation) process, permanent marking and the shipment to the customer houses;
 - with the customer houses filling the products carrying the final marking and labelling and placing the products on the market;
 - with the distributors under distribution contracts signed by the customer house; and
 - with consumers who will be informed at the time of purchase through the customer house documentation, the brand's website or its customer service that a free return voucher can be requested. The customer house will consolidate the returns from consumers and send them back to the original crystal makers.
- Packaging intended for prolonged contact with liquids is systematically subject to a dealkalisation treatment designed to reduce lead release from containers to their contents;

The Commission also examined information concerning the scientific and technical feasibility of the transition to lead-free crystal glass, including information on dealkalisation treatments applied to crystal packaging intended for prolonged contact with liquids, studies carried out by the French Alternative Energies and Atomic Energy Commission (CEA) concerning lead release from crystal glass containers, and information concerning the interaction between the proposed transition timetable and the occupational exposure requirements established under Directive (EU) 2024/869⁵.

The Commission also considered the historical regulatory framework established under Directive 94/62/EC and Commission Decision 2001/171/EC and the specific empowerment contained in Article 5(8) of Regulation (EU) 2025/40.

The delegated act is adopted in accordance with Article 64 of Regulation (EU) 2025/40, which states that the Commission must consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, before being notified to the European Parliament and the Council.

The Commission discussed the delegated decision with Member States in an expert group on waste and requested their feedback.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated act is based on Article 5(8) of Regulation (EU) 2025/40, which empowers the Commission to adopt delegated acts supplementing the Regulation in order to take account of scientific and technical progress by determining the conditions under which the concentration levels referred to in Article 5(4) are not to apply to product loops which are in a closed and controlled chain as well as the packaging types and formats exempted from those concentration levels. The delegated acts are to be justified on the basis of a case-by-case analysis, time-limited, provide for appropriate marking and information requirements and contain requirements for regular reporting. Delegated acts can only be adopted to amend derogations established in Decisions 2001/171 and 2009/292⁶.

⁵ Directive (EU) 2024/869 of the European Parliament and of the Council of 13 March 2024 amending Directive 2004/37/EC of the European Parliament and of the Council and Council Directive 98/24/EC as regards the limit values for lead and its inorganic compounds and for diisocyanates (*OJ L*, 2024/869, 19.3.2024, ELI: <http://data.europa.eu/eli/dir/2024/869/oj>)

⁶ 2009/292/EC: Commission Decision of 24 March 2009 establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive

The delegated act establishes a temporary derogation from the concentration limit laid down in Article 5(4) for packaging made entirely or partially of crystal glass within the meaning of Directive 69/493/EEC and for this purpose amends Decision 2001/171/EC inserting specific provisions applicable to crystal glass packaging.

The derogation is justified by scientific and technical progress within the meaning of Article 5(8) of Regulation (EU) 2025/40. The information submitted demonstrates that lead-free crystal glass compositions have already been developed and are being progressively deployed at industrial scale. The transition is ongoing as it requires substantial adaptation of manufacturing infrastructure and the elimination of residual lead contamination originating from historical production processes.

The packaging type covered by the derogation consists of packaging made entirely or partially of lead crystal glass within the meaning of Directive 69/493/EEC, Annex I. The packaging formats concerned are primarily bottles, flacons and similar primary packaging intended for luxury spirits, perfumes and cosmetic products. Those packaging formats are marketed through a limited and identifiable commercial chain involving crystal glass producers and customer houses and can be returned and recycled through a closed and controlled loop.

The delegated act establishes marking requirements intended to support the operation of that closed and controlled loop. Crystal glass packaging benefiting from the derogation is required to bear a permanent marking enabling identification of the crystal glass producer responsible for its manufacture. The marking and commercial conditions to end consumers facilitates the return, traceability and recycling of crystal glass packaging through established commercial channels.

The delegated act also establishes health-related safeguards. Crystal glass packaging intended for prolonged contact with liquids must undergo a dealkalisation treatment or an equivalent process ensuring the formation of a surface barrier limiting the release of lead into contents. Scientific information submitted to the Commission indicates that such treatment significantly reduces lead migration and contributes to maintaining a high level of health protection during the transition period.

The derogation applies until 31 December 2029. That period reflects the transition timetable presented by the industry, under which lead crystal production will cease by 31 December 2028. The additional period until 31 December 2029 allows the completion of finishing operations, including cold glass working, shipment of packaging already produced, and the placing on the market of products by downstream users in accordance with commercial cycles applicable in the luxury perfume, cosmetics and spirits sectors. The period also allows the orderly exhaustion of stocks without requiring the destruction of packaging already manufactured prior to the cessation of lead crystal production.

The delegated act also establishes conditions applicable to the derogation, including:

- limitations on the intentional use of lead solely where necessary for the manufacture of crystal glass within the meaning of Directive 69/493/EEC;
- obligations to complete the transition towards lead-free crystal glass production by 31 December 2028;
- requirements concerning the dealkalisation of crystal glass packaging intended for prolonged contact with liquids, in order to limit the release of lead into contents;

94/62/EC of the European Parliament and of the Council on packaging and packaging waste (notified under document number C(2009) 1959) (OJ L 79, 25.3.2009, pp. 44–46);
ELI: <http://data.europa.eu/eli/dec/2009/292/oj>

- traceability requirements and measures supporting the operation of a closed and controlled loop for the return and recycling of crystal glass packaging;
- a requirement for crystal glass producers to maintain appropriate records demonstrating the operation of the closed and controlled loop and to make such records available to competent authorities and the Commission upon request.

The derogation concerns a limited market segment characterised by low production volumes and high unit value products, a significant proportion of which are exported outside the Union.

The delegated act is proportionate in light of the limited production volumes concerned, the temporary nature of the derogation and the ongoing transition towards lead-free crystal glass production in the context of compliance with other Union legislation, notably Directive (EU) 2024/869.

COMMISSION DELEGATED DECISION (EU) .../...

of 12.8.2026

amending Decision 2001/171/EC as regards crystal glass packaging

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2025/40 of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC⁷, and in particular Article 5(8) thereof,

Whereas:

- (1) Regulation (EU) 2025/40 of the European Parliament and of the Council lays down environmental sustainability and labelling requirements for the entire life cycle of packaging in order to allow its placing on the market.
- (2) In accordance with Article 5(4) of Regulation (EU) 2025/40, the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components is not to exceed 100 mg/kg.
- (3) Under the regime established by European Parliament and Council Directive 94/62/EC⁸, which was repealed by Regulation (EU) 2025/40, the concentration levels for the sum of lead, cadmium, mercury and hexavalent chromium laid down in Article 11(1) of that Directive did not apply, pursuant to Article 11(2) thereof, to packaging or packaging components made entirely of lead crystal glass within the meaning of Council Directive 69/493/EEC⁹.
- (4) Commission Decision 2001/171/EC¹⁰, adopted on the basis of Article 11(3) of Directive 94/62/EC, establishes conditions under which glass packaging may exceed the heavy metal concentration levels laid down in Union legislation on packaging and packaging waste where such exceedance results from the use of recycled glass.
- (5) Regulation (EU) 2025/40 does not provide for the general derogation previously applicable to packaging made entirely of lead crystal glass. Packaging made entirely of lead crystal glass contains, by definition, high concentrations of lead oxide and

⁷ Regulation (EU) 2025/40 of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (OJ L, 2025/40, 22.1.2025, ELI: <http://data.europa.eu/eli/reg/2025/40/oj>).

⁸ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10, ELI: <http://data.europa.eu/eli/dir/1994/62/oj>).

⁹ Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 36, ELI: <http://data.europa.eu/eli/dir/1969/493/oj>).

¹⁰ : Commission Decision 2001/171/EC of 19 February 2001 establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste (OJ L 62, 2.3.2001, p. 20, ELI: <http://data.europa.eu/eli/dec/2001/171/2006-05-12>).

therefore cannot comply with the concentration level limit established in Article 5(4) of Regulation (EU) 2025/40.

- (6) In light of scientific and technical progress, it is necessary to establish specific conditions governing the time-bound and conditional derogation for such packaging pursuant to Article 5(8) of Regulation (EU) 2025/40.
- (7) Several crystal glass producers demonstrated that scientific and technical progress towards the development and industrial deployment of lead-free crystal glass has already been achieved. They have developed and tested lead-free compositions and have initiated investments in new production processes capable of reducing or eliminating the use of lead. However, the transition remains technically complex because furnaces, cullet streams and production environments retain residual lead contamination originating from the historical lead-based production processes. Compliance with the 100 mg/kg threshold therefore requires the deployment of dedicated lead-free production infrastructure and the gradual elimination of residual contamination throughout the manufacturing process.
- (8) The production and marketing of crystal glass packaging is organised through a limited and identifiable chain involving a small number of crystal glass producers and their customer houses. Packaging returned for recycling can be traced to the original crystal glass producer through permanent markings and returned through established commercial channels, allowing recycled crystal glass to be reintroduced into the manufacturing process under controlled conditions. Such arrangements contribute to the operation of a closed and controlled loop within the meaning of Article 5(8) of Regulation (EU) 2025/40.
- (9) The production of lead crystal glass packaging within the Union is limited in volume and mainly concerns high-value packaging intended for luxury products in the spirits, perfume and cosmetics sectors. A significant part of that production is exported outside the Union.
- (10) Packaging intended for prolonged contact with liquids is subject to a dealkalisation treatment that creates a silica barrier layer on the inner surface of the crystal glass. Scientific studies conducted by the French Alternative Energies and Atomic Energy Commission (CEA) indicate that this treatment substantially reduces lead release into contents and remains effective over prolonged periods of use. Crystal glass producers should continue to apply such treatment to maintain a high level of health protection during the transition period.
- (11) In view of the limited production volumes of crystal glass packaging, the temporary nature of the derogation and the industry's commitment to complete the transition towards lead-free crystal glass within a limited timeframe, it is appropriate to establish specific conditions for the application of the derogation from Regulation (EU) 2025/40 to packaging made entirely or partially of crystal.
- (12) In order to ensure legal certainty and avoid disproportionate disruption to the supply chains concerned, the derogation should apply until 31 December 2029. The crystal glass industry has committed to cease lead crystal production by 31 December 2028. An additional period until 31 December 2029 is necessary to allow the completion of finishing operations, including cold glass working, shipment of packaging already manufactured, and the placing on the market of products by downstream users in accordance with the commercial cycles applicable in the luxury perfume, cosmetic and

spirits sectors. A shorter period would risk the destruction of packaging already produced and paid for, without contributing to an earlier industrial transition.

- (13) Decision 2001/171/EC should therefore be amended accordingly.
- (14) The measures provided for in this Decision are consistent with the objectives of Regulation (EU) 2025/40 and ensure a proportionate and temporary accommodation of the specific situation of crystal glass packaging while supporting the transition towards more sustainable packaging materials,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Decision 2001/171/EC

Decision 2001/171/EC is amended as follows:

- (1) Article 2 is replaced by the following
‘Article 2

For the purposes of this Decision, the definitions in Article 3 of Regulation (EU) 2025/40 shall apply.

The following definitions shall also apply:

- (1) ‘intentionally introduced’ means deliberately utilised in the formulation of a packaging or a packaging component where its continued presence is desired in the final packaging or packaging component to provide a specific characteristic, appearance, or quality; the use of recycled materials as feedstock for the manufacture of new packaging materials, where some portion of the recycled materials may contain amounts of regulated metals, is not be considered as intentionally introduced;
- (2) ‘crystal glass packaging’ means packaging made entirely or partially of crystal glass categories listed in Annex I to Council Directive 69/493/EEC**;
- (3) ‘crystal glass producer’ means the undertaking manufacturing crystal glass packaging;
- (4) ‘closed and controlled loop’ means a system in which crystal glass packaging is placed on the market through identifiable commercial channels, permanently marked to enable identification of the crystal glass producer, returned through controlled collection arrangements, and recycled by reintroduction into the manufacturing process of the crystal glass producer from which the packaging originated.

* Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 36, ELI: <http://data.europa.eu/eli/dir/1969/493/oj>).

- (2) The following Articles 5a, 5b and 5c are inserted:

Article 5a

1. For the purposes of this Article, 'manufactured' means made or produced using the process of having combined individual raw materials at high temperature to form molten glass.
2. By way of derogation from Article 5(4) of Regulation (EU) 2025/40, crystal glass packaging shall be allowed to exceed the concentration levels referred to in that provision until 31 December 2029, provided that it complies with Articles 5b and 5c of this Decision.
3. Crystal glass packaging containing lead that is either intentionally introduced or introduced as a result of residual contamination may only be manufactured until 31 December 2028.
4. Crystal glass packaging manufactured before 31 December 2028 may continue to be subject to finishing operations, including cold glass working, filled, labelled, distributed and placed on the market until 31 December 2029.

Article 5b

1. Lead shall only be intentionally introduced insofar as necessary for the manufacture of crystal glass packaging.
2. Crystal glass packaging covered by the derogation provided for in Article 5a shall undergo a dealkalisation treatment or an equivalent process ensuring the formation of a surface barrier limiting the release of lead into the contents.
3. Crystal glass producers shall take all appropriate measures to support the transition towards lead-free crystal glass production and shall cease the manufacture of crystal glass packaging containing intentionally introduced lead by 31 December 2028.

Article 5c

1. Crystal glass packaging covered by the derogation provided for in Article 5a shall bear a permanent marking enabling identification of the crystal glass producer responsible for its manufacture.
2. Economic operators placing products in crystal glass packaging on the market shall make information available to end users concerning the possibility of returning such packaging for recycling free of charge.
3. Crystal glass packaging returned for recycling shall be transferred, directly or through established commercial channels, to the crystal glass producer identified by the permanent marking referred to in paragraph 1.
4. Crystal glass packaging returned for recycling may be reintroduced into the manufacturing process of the crystal glass producer from which it originated.
5. Crystal glass producers shall maintain appropriate records demonstrating the operation of the closed and controlled loop for crystal glass packaging and shall make such records available to competent authorities and the Commission upon request.'

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 12.8.2026

For the Commission
The President
Ursula VON DER LEYEN