

Effectiveness of the Essential Requirements For Packaging and Packaging Waste and Proposals for Reinforcement

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EXPRA reactions

Background paper and stakeholder workshop, 15 October 2019

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Introduction

EXPRA welcomes the discussions on the Eunomia/COWI study on the “Effectiveness of the Essential Requirements For Packaging and Packaging Waste and Proposals for Reinforcement”, which seeks to inform the European Commission’s forthcoming review of the Essential Requirements as mandated by the 2018 Packaging and Packaging Waste Directive (PPWD)

EXPRA has participated in the preparatory workshops organized by Eunomia/COWI in March and July 2019, and has already submitted a position paper on “Essential Requirements: proposed approach”.

Building on the position paper, EXPRA wishes to submit its views on the “Background Paper on Effectiveness of the Essential Requirements For Packaging and Packaging Waste and Proposals for Reinforcement” which was presented and discussed during the final workshop on 15 October.

Proposed Measures for Reinforcement

1. Requirements specific to the manufacturing and composition of packaging

- **All packaging to be reusable (and recyclable) or recyclable**

The authors recommend amending Annex II Section 1 (Essential Requirements) paragraph 2, to strengthen the focus on reuse and recycling in line with the waste hierarchy, and *i.a.* to remove the existing reference to energy recovery.

Following the workshop of July 2019, several approaches to the definition of “recyclable” and “reusable” were assessed. As regards recyclability, authors appear to take on board stakeholder comments, also supported by EXPRA, against implementing a strictly quantitative definition.

However, the proposed alternative approach suggests the drafting, by a technical committee, of a “positive list” of packaging types compliant with the ERs and therefore allowed to be placed on the market, as well as of a negative list including elements of packaging that are disruptive to the recycling process. The study also proposed that the negative list should also be linked to fee modulation to provide clear incentives to shift towards alternative solutions.

As already highlighted in our position paper, EXPRA wishes to caution against linking ERs and eco-modulation of EPR fees, as the latter is designed to reflect the particularities of the local management waste systems in addition to packaging design.

- **Measures for the efficient use of packaging**

The report mentions the option of introducing a maximum ratio of packaging to product as a possible measure to address overpackaging. EXPRA stresses the need to include the ratio of packaging to product under the headline requirement of minimization, to ensure that the recycling/reuse discussion does not compromise the overall concept of packaging functionality.

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In this context, EXPRA would like to highlight that, by setting a maximum ratio, more complex solutions will be needed to meet the minimum functionalities of packaging. It is important to consider that in a circular model, materials not expected to become waste and that it might be easier to recycle a specific material if its weight is higher rather than lower.

- **Recycled content**

The authors conclude that Essential Requirements, which are currently universal to all packaging, “may not be the appropriate place for format-specific targets”. However, the study also reports that calls have been made for Essential Requirements to include cross-cutting requirements and specific requirements reflecting challenges faced by different material. The authors therefore call on the Commission to examine in its impact assessment the options for recycled content targets for specific formats, and, if feasible, that dedicated measures are put in place.

With regards to the proposed measures for recycled content, the authors furthermore suggest that *“irrespective of the introduction of recycled content targets, it is recommended that the Commission sets a legal requirement in the Essential Requirements to **request the development of a new CEN Standard that would detail a process for packaging designers to follow to maximise the potential recycled content.** The text of the Essential Requirements would consequently need to be amended to refer to the need to consider recycled content and demonstrate to regulators that this process has been followed”*.

EXPRA wishes to stress that a new standard on recycled content is not necessary, because the European Committee for Standardization (CEN) has already published the **CR 13504: 2000 (Working Item 00261197) Packaging - Material recovery - Criteria for a minimum content of recycled material**, which can be found [here](#).

2. Requirements specific to the reusable nature of packaging

When assessing the possible measures for reusable packaging, the authors highlight that, during consultations, a number of stakeholders stressed the need for a life-cycle assessment to determine whether single-use or reusable packaging was preferable. However, the study also notes that there is no undisputed methodology for such assessment and that this might result in undue administrative burden.

In this context, the study notes that certain applications of reusable packaging are already common, for example in B2B and in tertiary packaging. At this stage, the study therefore calls on the Commission to further examine tertiary packaging formats in an impact assessment and to consider for inclusion in the ERs legal requirements mandating the placing on the market of reusable formats.

As regards these proposed measures, EXPRA would like to stress that, when updating requirements for reusable packaging, the Commission should also established criteria to define, evaluate and verify a reusable packaging system or circuit.

3. Requirements specific to the Compostable or Biodegradable Nature of Packaging

Stakeholder views on removing the concept of biodegradable packaging from CEN standard 13432 in favour of focusing on better defining compostable packaging were taken on board by the authors. However, EXPRA wishes to reiterate that the proposed requirement on compostability cannot cover all packaging. This should be further addressed.

4. Requirements specific to the Labelling of Packaging

The approach taken by the authors on Labelling requirement builds on the comments received during the July consultation workshop, where most stakeholder were in principle in favour of mandatory labelling requirements for compostable, recyclable and reusable packaging.

This approach however does not take into account EXPRA's concerns. Mandatory labelling standards contradict the new CEN approach, under which application of standards is voluntary.

Furthermore, recycling and recyclability are country or system dependent. It is therefore difficult to deploy a uniform labelling standard in a situation where collection and recycling systems differ from country to country.

5. Enforcement

The study proposes to introduce reporting requirements for fillers to report a number of details (e.g. packaging weights, composition etc.) to an EU Packaging Register. The authors propose self-certification and third-party auditing in addition to auditing from the Register/Member States for compliance. This recommendation however appear to stop short of requiring explicit Member State approval ahead of placement on the market. This approach is in line with stakeholders' view expressed during the July 2019 workshop and also strongly supported by EXPRA.

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