

**PACKAGING RECOVERY ORGANIZATIONS' VIEWS ON THE DRAFT IMPLEMENTING
DECISION LAYING DOWN RULES FOR THE CALCULATION, VERIFICATION AND
REPORTING OF DATA ON THE SEPARATE COLLECTION OF WASTE SINGLE-USE
PLASTIC BEVERAGE BOTTLES**

Packaging Recovery Organisations, including the 27 members represented by the Extended Producer Responsibility Alliance (EXPRA) as well as CITEO and Altstoff Recycling Austria AG (ARA) would like to raise a number of questions regarding the draft proposal for devising a methodology for Member States to report on **separate collection of single-use plastic beverage bottles**, falling under the SUP Directive (2019/904/EU). In particular, we would like to comment on the proposed methodology for the **determination of the weight of separately collected waste single-use bottles** (Article 2).

▪ **KEY CONSIDERATIONS**

1. ***We are measuring separate collection.*** In order to ensure uniform conditions for its implementation, the SUP Directive instructs the Commission to propose the **methodology for the calculation and verification of the collection targets of single-use plastic products** for which **separate collection targets** have been set.
2. ***The main goal is diverting SUP bottles from litter.*** Recital 27 recalls that *beverage bottles that are single-use plastic products are one of the **marine litter items that are found the most on beaches in the Union**. It highlights that *this is due to ineffective separate collection systems and low participation in those systems by consumers and that it is necessary to promote more effective separate collection systems.**
3. ***Separately collected bottles should contribute to recycling targets, but there is a difference between collection targets and recycling ones.*** Article 9 states that Member States shall take the necessary measures to ensure the **separate collection for recycling** in order to meet a **77%** target by 2025 for such single-use plastic products placed on the market in a given year by weight, and a **90%** target by 2030. Part F of the Annex clarifies that these targets concern **beverage bottles with a capacity of up to three litres, including their caps and lids.**

▪ **KEY REMARKS REGARDING THE IMPLEMENTING ACT (IA)**

4. In determining the weight of separately collected waste single-use bottles, Article 2 of the implementing Act stipulates the conditions applying to the **measurement point** for both Deposit-Return-Systems (Art. 2, paragraph 6) and EPR schemes, including modalities whereby the latter separate beverage bottles from the other waste with which they were collected following sorting operations (Art. 2, paragraph 7), or whereby the waste single-use bottles and other packaging waste of the same polymer are present at the output of said sorting operations (Art. 2, paragraph 8). While recognising the various waste management modalities, the IA establishes that they all **factor in losses within their respective sorting operations.**
5. The above implies that the **IA de facto shifts the collection target to a sorting – recycling one.** This is problematic for the following reasons:
 - Determining the weight of separately collected bottles at output sorting entails accounting for inherent losses occurring during sorting processes. Losses are inevitable in any industrial process and may well vary depending on the **efficiency of sorting plants.** In any event, whether low or high, the sorting losses occurring during these

operations **do not relate to the material having been collected or not**. Examples of such losses include caps, lids, labels and plastic fragments that, despite having been captured, may end up deviating to other processes within the recycling chain and recovered elsewhere.

- We therefore believe that the IA is distorting the nature of the targets set by the Directive by turning a collection goal into a recycling one, the shift of which would **not permissible within the framework of an Implementing Act**. In fact, Implementing Acts, according to Art 291 (2) TFEU, cannot amend or supplement a basic legislative act, not even non-substantive parts. In addition, the European Court of Justice highlights that a specification of the basic act would only be allowed if the provisions of the Implementing Act, with respect to the essential general objectives pursued by the basic act, are necessary or appropriate for their implementation.
 - It must also be highlighted that the Directive does **not explicitly connect the collection targets with recycling rates** although Recital 27 does mention that separate collection *will support reaching the recycling targets for packaging waste set in Directive 94/62/EC*.
 - In sum, in the context of the SUP Directive, separate collection aims for **packaging items to be diverted from litter**, for which a collection methodology **deducting sorting losses** would **not be justified**.
 - **OUR PROPOSAL**
6. We believe that the measurement point *for all modalities*, including DRS, should be set at **input sorting or, alternatively, at the output of sorting operations provided that:**
- a. Waste single-use plastic beverage bottles collected together with certain types of other waste measured at **input sorting** are determined by means of **representative sampling and analysis**, the methodology of which should accommodate for the necessary variations, or any other method, in agreement with public authorities and detailed in local agreements with EPR schemes¹.
 - b. Waste single-use plastic beverage bottles collected together with certain types of other waste measured at the **output of sorting operations** apply a correction factor based on **sorting efficiency** or **standard losses** (resembling the process defined in the IA for separately collected bottles under paragraph 6 of Article 2).
 - c. **Traceability** is, in all cases, guaranteed through to recycling, thus ensuring that the collected bottles are **effectively recycled**, and the following procedures performed:
 - i. The establishment of **minimum efficiency rates** for **sorting plants**, applied to both overall and material-specific performance.
 - ii. **Quality controls** based on **sorting specifications**.
 - iii. **Third-party audits**.
7. We believe that the above proposal reflects a more adequate measurement for the separate collection targets while **simplifying the calculation** and procedures for all management modalities involved, which would in turn benefit from a **level-playing field**. At the same time, ensuring traceability through to recycling will help **demonstrate the contribution of separately collected bottles to recycling targets**.

¹ An example from Spain: Anepma, Novotec. Methodological guide - Preparation of waste composition studies (Spain, October 2020).

■ **ADDITIONAL REMARKS**

8. We would also like to highlight that the determination of the weight of **single-use bottles placed on the market** would be more accurate on the basis of the **packaging declarations** managed by EPR schemes. While waste composition studies can provide additional information regarding the placing on the market, these must be performed under quality standards, with statistical representation and coupled with complementary tests to eliminate bias.
9. Finally, Article 3, paragraph 2 states that the weight of single-use bottles placed on the market may be adjusted where there are **significant imports, exports or other movements** within the Union of such bottles by operators or by natural persons for their own personal use. We would like to call on the Commission to provide additional details as to how these adjustments could be performed in countries experiencing these variations.

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About CITEO

Pioneer of sustainable development since the early 1990s in France, [Citeo](#) has developed its expertise by creating a new future for household packaging and graphic papers. Citeo has developed eco-design, collection, sorting and recycling services within the framework of Extended Producer Responsibility (EPR), thanks to the joint action of its corporate customers who are at the heart of its model, as well as in partnership with local authorities along with sorting and recycling professionals. 28,000 companies have entrusted Citeo with the management of their packaging and paper's life cycle. Its governance is representative of these companies and of the materials sectors involved in both the production and marketing of packaging and paper, as well as in the recovery of recycled materials.

About ARA

Shaping the circular future. Altstoff Recycling Austria AG (ARA) has been a driving force for Austria's waste management industry and circular economy for almost 30 years. As the country's market-leading compliance scheme for packaging, WEEE and batteries, ARA is responsible for organizing the nationwide collection, sorting and recovery of packaging waste. We provide around 1.9 million collection bins to Austrian consumers. In addition, 1.8 million households are covered by our yellow bag scheme (for light-weight, metal and composite materials). ARA's collection system is continually expanded and upgraded, and enjoys a high level of trust and acceptance among consumers. In 2020, Austrian households used this system to collect 1.08 million tonnes of packaging and paper waste.

ARA AG and its subsidiaries ARApplus GmbH, Austria Glas Recycling GmbH, DiGiDO GmbH and ERA GmbH are recognized as best practice businesses at the international level. We develop bespoke waste management and circular economy solutions for our partners. Our range of services – which includes a compliance service, material flow and waste management as well as ARA Circular Design solutions – is geared towards promoting the digital circular economy. ARA AG is a member-owned non-profit business and serves more than 15,000 customers.

About EXPRA

EXPRA is the alliance of 27 packaging and packaging waste recovery and recycling systems in 25 countries all over the world which are owned by obliged industry and work on a not-for-profit

basis. EXPRA acts as the authoritative voice and common policy platform representing the interests of all its member packaging recovery and recycling organisations, founded and run by or on behalf of obliged industry.

EXPRA members deliver solutions for collection, sorting and recycling of all packaging with separate collection systems designed to ensure packaging can be returned to the circular economy. They are owned by obliged industry and accomplish their mission effectively and efficiently. EXPRA members are active in 17 EU countries, Norway as well as in 9 other countries: Canada, in the Westerns Balkans, Turkey, Israel and Chile. EXPRA members have over 25 years of experience and ensure separate collection and have infrastructure in place to collect from over 200 million inhabitants. For additional information, please visit www.expra.eu