

06 July 2022

To
Florika Fink-Hooijer, Director General DG ENV
Kerstin Jorna, Director General DG GROW

Subject: Joint letter on draft Royal Decree on packaging and packaging waste (Spain)

Dear Director General,

The undersigned associations recognize and support the European Commission's commitment to advancing the Green Deal and Circular Economy Action Plan and are engaged in the ongoing legislative process revising the Packaging and Packaging Waste Directive (PPWD). Therefore, we would like to bring to the Commission's attention a national initiative aiming to set reuse targets for packaging which could disrupt the internal market.

Spain has notified a draft Royal Decree on Packaging and Packaging Waste on TRIS on 6 May (see link [here](#)), with the standstill period set to end on 8 August 2022. We would like to urge the Commission to take action to ensure the harmonisation of packaging and packaging waste legislation across the EU, taking into consideration the following:

1. National reuse targets will create legislative overlap with EU legislation on packaging and packaging waste and should be avoided.
2. Measures set at national level risk internal market fragmentation.
3. Reuse targets should be based on life cycle assessments and set only for packaging and systems when they can demonstrate clear benefits for the environment and society.

1. National reuse targets will create legislative overlap with EU legislation on packaging and packaging waste and should be avoided

The upcoming revision of the PPWD is expected to adopt measures addressing waste prevention, including possible reuse targets. Towards that end both reuse and recycling targets set at EU level for packaging are considered. It is recommended that Member States refrain from adopting national measures and await the adoption of the revised PPWD.

This is especially important given the Commission's consideration to recast the Directive into a Regulation to ensure EU-wide harmonisation, which would be at risk if individual national targets are set. The Spanish decree could set a precedent for other countries to adopt their own targets before the publication of the European legislation, potentially creating legislative overlap.

2. Measures set at national level risk internal market fragmentation

The free movement of goods is a fundamental principle of the Treaty on the Functioning of the European Union¹, which states that the '*...internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured...*'. The reuse targets proposed by Spain have the potential to compromise the functioning of the internal market.

¹ [Treaty on the Functioning of the European Union](#)

Diverging reuse targets at national level will require economic operators from across Member States exporting to Spain to comply with these targets. This obligation may cause complications for businesses, forcing them to abide by a different set of rules, thus impacting the export of certain products to Spain. Ultimately, this could be considered an indirect restriction on the movement of goods within the EU. This could lead to the fragmentation and disruption of the internal market, a lack of level playing field and regulatory uncertainty for the economic operators.

3. Reuse targets should be based on life cycle assessments and set only for packaging and systems when they can demonstrate clear benefits for the environment and society.

Waste prevention can be achieved via both re-use and recycling. Both solutions display a crucial role in the transition towards a more circular economy, as suggested by the EU Platform on Sustainable Finance². Implemented as complementary measures, they can support the achievement of a circular and resource efficient packaging model. Their implementation should always be assessed with the support of a life cycle approach pointing towards the most efficient environmental solution.

Several scientific studies and life cycle assessments have found that there are cases where recyclable packaging has a lower environmental impact when compared to reusable options, in terms of environmental footprint, including carbon footprint:

- The carbon footprint of recyclable boxes outperforms that of reusable boxes when moving tomatoes internationally³.
- Transportation distance plays a crucial role in the environmental impact of many sectors⁴ especially when transportation is intercontinental⁵.
- Recyclable packaging used in fast food restaurants in Europe proved more environmentally friendly compared to reusable systems⁶.
- Recyclable packaging systems outperformed reusable crates in 10 out of 15 environmental footprint impact categories, including climate change⁷. Reusable crates must be reused at least 63 times to surpass recyclable boxes in a climate change impact category, which requires continuous use for 15-20 years.
- To attain comparable environmental impacts to recyclable counterparts, reusable cups must be reused more times to reach the break-even point. In some cases, this number could be up to 36 reuse loops⁸.

Thus, it is important to keep in mind that reuse is not always the most environmentally sound packaging solution. Reusable packaging needs to be cleaned thoroughly which requires large quantities of water and energy. In order to withstand multiple loops, reusable packaging is designed to be stronger than its single-use counterparts. It conflicts with the WFD objective of '*...reducing the generation of waste...and the overall impacts of resource use...*'.

Most packaging materials in Europe already have a high recycling rate, with 82% for paper and board, 75.8% for aluminium beverage cans, 85.5% for all steel packaging⁹, 75.4% for glass¹⁰. In Spain, these rates are 72.9% for paper and board, 84% for metal packaging, 91% for steel¹¹ (in particular) and 79.8% for glass.

² https://ec.europa.eu/info/business-economy-euro/banking-and-finance/sustainable-finance/overview-sustainable-finance/platform-sustainable-finance_en

³ [Carbon footprint of cardboard boxes outperforms plastic boxes when moving tomatoes internationally \(europa.eu\)](#)

⁴ [A comparative life cycle assessment of single-use fibre drums versus reusable steel drums - Raugei - 2009 - Packaging Technology and Science - Wiley Online Library](#)

⁵ [Comparative lifecycle assessment of mango packaging made from a polyethylene/natural fiber-composite and from cardboard material - ScienceDirect](#)

⁶ [EPPA Infographic_FINAL_EN.pdf \(epa-eu.org\)](#)

⁷ [Comparative Life Cycle Assessment \(LCA\) \(fefco.org\)](#)

⁸ <https://www.huhtamaki.com/globalassets/global/highlights/responsibility/taking-a-closer-look-at-paper-cups-for-coffee.pdf>

⁹ Recycling rate for respective aluminium beverage cans (2019), glass containers (2019) and all steel for packaging (2020) segments.

¹⁰ [Statistics | Eurostat \(europa.eu\)](#)

¹¹ <https://www.apeal.org/news/steel-packaging-breaks-recycling-rate-record-for-10th-year-running/>

Recyclable packaging already contributes to waste prevention and climate mitigation efforts. Where appropriate, reuse targets should be very clearly defined and evaluated from a life-cycle perspective, focusing on attainable goals for packaging that can be reused in practice.

The undersigned associations are prepared to support the Commission in advancing the Green Deal and Circular Economy Action Plan and to cooperate during the ongoing review of the Packaging & Packaging Waste Directive to ensure EU harmonisation.

Signatories:

ACE – The Alliance for Beverage Cartons and the Environment

APEAL – The Association of European Producers of Steel for Packaging

ASSOGRAFICI – Associazione Nazionale Italiana Industrie Grafiche Cartotecniche e Trasformatrici

Cepi – Confederation of European Paper Industries

CITPA – The International Confederation of Paper and Board Converters in Europe

EGMF – European Garden Machinery industry Federation

EPTA – European Power Tool Association

EUCOFEL – Fruit Vegetables Europe

EuLA – European Lime Association

EURATEX – The European Apparel and Textile Confederation

EuRIC – European Recycling Industries Confederation

European Aluminium

FEFCO – European Corrugated Packaging Association

IMA Europe – Industrial Minerals Europe

Metal Packaging Europe

Spirits Europe

Unesda – European Soft Drinks Industry

