09 July 2021

Feedback to the Eunomia workshops on the revision of the Packaging and Packaging Waste Directive organised between 15 June – 24 June 2021

The undersigned associations support the Commission's efforts on the review of the requirements for packaging and packaging waste. An effective Packaging and Packaging Waste Directive (PPWD) should take a science-based approach to ensure that all packaging is recyclable or reusable by 2030. This should be done by setting ambitious and clear goals, while safeguarding the functioning and competitiveness of the Single Market and enabling industry to innovate, plan and invest with confidence.

We would like to express our concerns about the way the impact assessment is being performed, the lack of transparency and stakeholder involvement in the process, and the disconnect between the proposed measures and reality.

The key points outlined in this position are the following:

- First and foremost, packaging must be designed to be 'fit for purpose' for the relevant applications. This should be a core definition in the PPWD. Ensuring that packaging is fit for purpose subsequently prevents over-packaging and under-packaging.
- Packaging is always an integral part of a product and it exists to accomplish a series of key functions, among them to protect, store and transport the packaged product(s) inside, thus delivering environmental benefits in the packaged goods value chain.
- Arbitrary unit weight reduction targets will prove challenging for many materials and run a high risk of compromising the functionality of packaging, resulting in more product damage, food waste and environmental impact.
- Where these are appropriate at all, reuse targets for product sub-categories should be very clearly defined and focus on achievable goals for packaging that can actually be reused in practice.

Please see below more detailed comments on the measures proposed by Eunomia.

Measure 1: Over-arching changes to limiting criteria approach.
Comments on the new definition of over-packaging:

- We believe the Commission should define 'fit for purpose' packaging and not only over-packaging, as this approach will also take into account the need to avoid under-packaging. This approach would avoid subjective weight and volume limits from being placed on packaging and instead, the packaging functionality would be the main criteria since the smallest or lightest packaging is not necessarily the most environmentally friendly.
- This more holistic approach will ensure shared responsibility along the value chain.
- Circular packaging should be designed with the goal of achieving an optimal fit with the product it contains, protects and presents and be fully functional since packaging always depends on the product packed. This approach ultimately minimizes void space and prevents product and packaging waste.

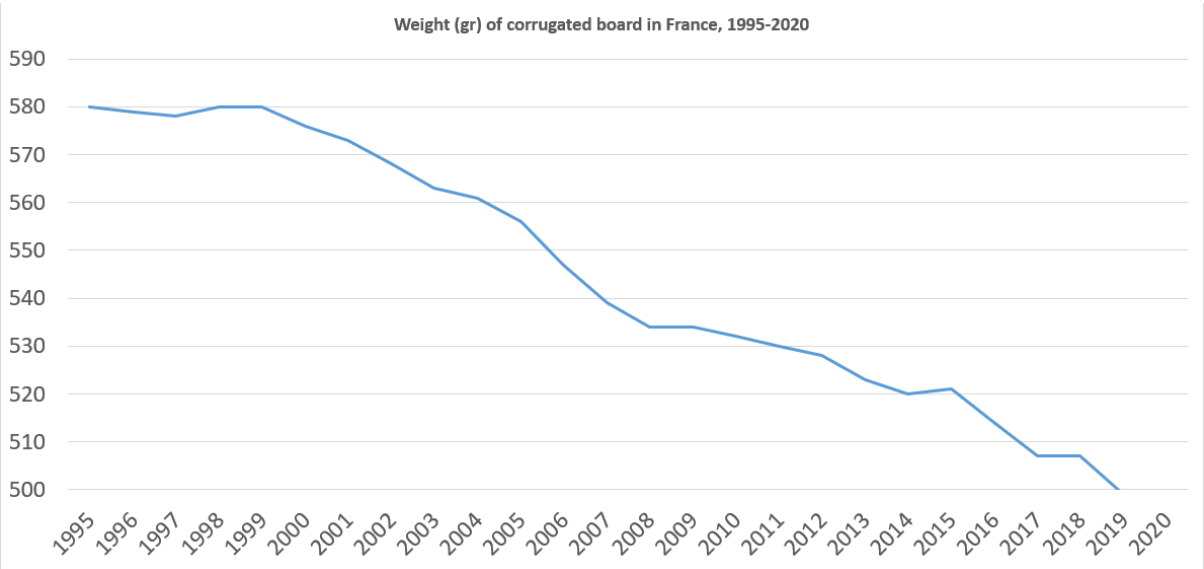
Comments on core list of performance criteria:

- We believe that the marketing and presentation criteria should remain a part of the core list of performance criteria. For some products, the packaging is considered an intrinsic part of the product, making marketing information key.

- Clear definitions are required regarding precisely what is meant by the so-called “information requirements for retailers and consumers” criterion versus what might be deemed to be the “product presentation and marketing function” and the “user/consumer acceptance function” which have been excluded as performance criteria in the latest suggestions from the consultants. This fundamental issue should not be left to an implementing measure.
- Packaging can provide valuable anti-counterfeit measures, reducing tax evasion and theft of intellectual property.
- Packaging conveys important information to the consumer about the packaged product. Studies show that 76% of purchasing decisions are made at the point of sale, thereby making the presentation of the product a crucial point in terms of consumer acceptance. In the case of food packaging, removing this criterion could create additional product loss, especially food waste.
- Marketing contributes to raising consumer awareness about which packaging is recyclable and which is not. It should therefore not be removed from the core list of performance criteria as it plays a crucial role in reducing product damage and waste, thus contributing to a lessened environmental impact.
- Additionally, packaging contributes to a healthier lifestyle and consumption habits considering modern household and societal trends by providing size-adaptable packaging and valuable information to consumers.

Measure 2: Mandatory MS ‘top down’ % reduction targets (unit weight reduction target by material).

- The proposed unit weight reduction targets will be very challenging for many materials and will compromise the functionality of packaging. Any additional targets should prevent market fragmentation and promote innovation.
- Reducing the weight of packaging does not necessarily guarantee that its environmental impact will be lessened. In fact, the carbon footprint could increase as a result of the production of light-weight packaging.
- The waste prevention targets should focus on the waste that cannot be reused or recycled. Reducing the volume or weight of packaging is counterproductive to the circular economy as a whole given that damaged products result in higher negative environmental impacts e.g. food waste, loss of damaged goods, use of primary resources or emissions to the environment.
- The target also conflicts with reuse targets due to the fact that a packaging structure may need to weigh more in order to be reusable and/or contain more recycled content. Preventive and reuse measures should be complementary, not contradictory.
- The paper and board industry has worked for years to lighten the packaging put on the market without compromising its functionality or endangering the quality of the product(s) it contains. In the UK, corrugated board weight has been reduced 15% from 2004 to 2020. In France, the average weight of corrugated board has decreased 16% since 1995 (see chart below). Overall, the corrugated board industry has achieved on average 10% decrease in the weight of cardboard since 1996. These improvements were a significant step for the industry and any further weight reductions in many applications are expected to be marginal.



- Some goods (e.g. dangerous goods) are subject to specific regulations imposing certain rules and arrangements that impact packaging weight, which should not be overlooked.

Measure 5: Void space threshold limit.

- We believe that void space limits are not the solution. Each packaging solution should be evaluated on a case-by-case basis to maximise the functionality while minimising the impact, including void space. This is best achieved by a 'fit for purpose' design approach.
- Void space targets should be set as recommendations only (not mandatory) as these may have a significant impact not only on packaging manufacturers, but also on machine producers, e-commerce retailers and consumers. In many applications, a certain amount of void space is needed to ensure the protection of packaged items. Sometimes limits like 40% maximum void space will undermine the ability of a package to provide effective protection.
- Maintaining a large range of packaging sizes in stock is difficult for e-commerce retailers and distributors given the costs this would incur. When setting requirements such as those proposed, these extra costs and efforts should be taken into account.
- E-commerce retailers and packaging producers are already working to reduce and prevent avoidable void space in packaging. The EU's target should build on lessons learned and take examples from existing good practices.
- The fit for purpose guidelines of one of the biggest global retailers advise a void space of at least 70% for fragile products and 50% for non-fragile products to effectively avoid product damage. The EU's target should use the existing knowledge and expertise from retail which establishes 50% as a minimum void space limit.
- It should also be noted that experience shows that air as protection is an effective way to avoid product damage.
- The void filling material should be considered since limiting the void space could lead to an increase in the amount of fitments needed, subsequently increasing the quantity of packaging material used. The use of mono-material 'void fillers' could be beneficial to improving recycling of the full packaging solution.

Measure 8: MS level 'bottom up' reuse targets.

- The suggested targets for product sub-categories for primary, secondary and tertiary packaging are stated very broadly, leading to overgeneralization and a lack of clarity which will create confusion with the implementation of those measures and disrupt the single market.
- The categories should be more clearly defined or narrowed in order to establish more appropriate and realistic targets than the ones proposed. The absolute 100% target proposed in some product categories is unreasonable and unrealistic. Much greater flexibility is required in setting and applying targets and timeframes to enable users and manufacturers of packaging to identify the most appropriate packaging systems for each situation and allow time for adaptation and transition.
- Secondary and tertiary packaging play a very different role relative to consumer packaging used for Horeca and Grocery. The proposed classification does not clearly define where specific packaging applications fit within a category this will lead to misinterpretation.
- Transport packaging should not be considered as one general category since it includes packaging made from a range of different materials with varying environmental impacts. Given this, we recommend that the impact assessment evaluate the specific packaging in question, taking into account its environmental, societal and economic impact. This approach will allow for a more nuanced and realistic process to evaluate if reuse targets are needed and the expected efficiency.
- The Commission should consider the possible exclusion of some packaging products/packaging systems from re-use targets where scientific evidence demonstrates a low environmental impact.
- Based on global trade patterns, a significant share of the packaging items mentioned in the secondary/tertiary categories will be imported to Europe from outside of the EU, making it extremely difficult to guarantee reuse of the packaging and considering that the return logistic of empty reusable packaging will increase the overall environmental footprint. For example, electronic devices and white goods usually travel in fully recyclable corrugated containers, both within and outside the EU.

Measure 9: MS 'top-down' reduction targets (overall reuse targets).

- We support more general targets for all packaging defined at EU level which are realistic and established with a fair timeline.
- The measure should consider that some countries would have the capacity to reach these reuse targets while others would not. This must be taken into account in order to ensure an equitable distribution of the proposed reuse target.
- Fit for purpose packaging should be the primary ambition and driving innovation should support this as opposed to imposing overall reduction targets. We would question whether a target-based approach is the most effective way to drive changes in behaviour amongst consumers and logistic innovations, both of which are key drivers for increasing reuse in practice.
- Food safety aspects must be considered as well due to hygiene and safety requirements associated with the reuse of packaging.

Measure 21: Updated to the Essential Requirements.

- We fully support the ambition that all packaging should be recyclable or reusable. We also support the proposal that reusable packaging should also be recyclable and recycled in practice.

- This is fully aligned with the Commission's intention to make all packaging recyclable or reusable by 2030, closely following the requirements of the EU Green Deal and the Circular Economy Action Plan.
- The definition of reusability should be fully aligned with the definition of recyclability. This means that the following three conditions should be met: packaging must be designed to be used several times for the same purpose, must actually be collected for reuse and there must be a logistic channel for recovery and preparation for reuse.
- We agree that it is critical that reusable packaging is also recyclable in order to prevent packaging from going into landfills or being incinerated at the end of the reuse.

Measure 27: Harmonised standards for labelling of recyclable packaging.

- We believe that there is no need for additional labelling requirements for packaging.
- Packaging already contains labels informing consumers about the product inside as well as whether the packaging is recyclable or not. Any additional information on the packaging will prove confusing for consumers.
- Material used and relevant components could be considered as the main materials or most hazardous substances with regards to the waste management options for the packaging (e.g. recycling). We seriously doubt the usefulness of providing this information to the consumer.

Measure 28: Updates to EN 13432.

- We believe that any update to EN 13432 should also consider the biodegradability and compostability of paper as a material and the Commission should consider developing a standard for paper.
- The existing standard is solely defining plastics but is used a basis for evaluating all materials. This places paper products at a disadvantage.

Measure 33: Restrictions of substances in packaging under the PPWD.

- Considering the Better Regulation principle, we believe that PPWD is not the instrument to regulate hazardous substances and that it will add unnecessary costs and bureaucratic issues. The Commission has other means and existing legislation, such as REACH and FCM, to regulate hazardous substances in products.
- 'Substances of concern' are not defined at EU level. Regulating such an undefined group of substances will diminish implementation efforts. Instead, we should focus on 'substances of very high concern' to make implementation more straightforward while still ensuring the protection of consumers and the environment.
- The use of hazardous substances in products is always associated with the risk of their release/exposure. The same packaging product could be used in different applications, some of them subject to risk assessment, other not, due to the essence of the product being packed.