

Feedback to the Eunomia workshop on packaging waste prevention and over-packaging held on 28 January 2021

The undersigned paper and board associations support the Commission's ambition to contribute to a climate neutral circular economy through the review of the requirements for packaging and packaging waste.

The new essential requirements and preventive measures in the Packaging and Packaging Waste Directive (PPWD) should ensure that the EU's environmental goals are met while at the same time safeguarding the functioning of the Internal Market and enabling the packaging ecosystems to innovate.

We call on Eunomia, in its assessment for the Commission, to consider the following proposals when evaluating the measures on packaging prevention and over-packaging.

1. Over-packaging should be prevented by enabling “fit for purpose” packaging and targeting the whole supply chain.

We are fully aligned with the Commission's intention to prevent over-packaging in line with the PPWD objectives. Over-packaging should be clearly defined, as packaging is sometimes designed for technical or acceptance reasons that are not always identifiable for the final consumer. It should also be noted that the packaging manufacturer is not the one finally deciding on the packaging used for a given product being placed on the market. Therefore, the foreseen measures should ensure shared responsibility along the value chain. The packaging manufacturer can advise on new technical solutions to improve the quality and recyclability of the used material alongside the best packaging solution for the product.

Furthermore, both over-packaging and under-packaging must be prevented as they both could lead to detrimental environmental impacts through damaged products and additional waste streams. Reusable packaging should not be exempted from measures targeting reduction of over-packaging as this could result in unintended consequences.

Thus, **we propose a holistic approach by introducing a new essential requirement that all packaging should be “fit for purpose”**. This closely follows the ISO 18602:2013(E) concept for “optimum pack design”. This will ensure that all packaging is designed with the goal to optimally fit the product minimizing void space, thus preventing both over-packaging and under-packaging. The key criteria can be defined as follows: *“Fit for purpose packaging is circular packaging which is designed, produced and used in an optimised way without compromising its functionality, while using minimum amount of resources and having minimum impact on the environment during the production, use and end-of-life phase (reuse and recycling).”*

2. Waste prevention targets should focus on residual packaging waste and be sector specific.

The waste prevention targets should focus on the waste that cannot be reused or recycled and are therefore destined to be landfilled or incinerated. An *“overall packaging waste reduction target or waste generation limit”* with the aim of reducing the volume or weight of packaging waste is counterproductive to the economy as a whole and could have a greater impact on the environment, e.g. food waste. The weight of the packaging depends on several factors, among them include the nature and recycle of the material used, the

nature and weight of the product packed, the distance and means of travel and others. Any additional targets should prevent further market fragmentation in the implementation of the essential requirements.

A voluntary sector specific approach would be more appropriate as it will allow industry to assess the feasibility of optimum packaging reduction, while preserving its competitiveness and without endangering the security of supply.

3. Transport packaging should not be considered as one general category.

Transport packaging includes packaging made from different materials which serve different applications and have different impacts on the environment. Therefore, they should not be regulated as a single category. E-commerce is one application-category of transport packaging.

The impact assessment should evaluate the specific packaging and consider its impact on the environment, society, and the economy throughout the entire life cycle of the product and the packaging. Recyclable, low-carbon packaging made from sustainably sourced renewable materials should be incentivised, not restricted.

4. Reference thresholds in measure 3 need further investigation.

We acknowledge the evaluation in the background document, yet it is important to consider the specific features of the different packaging materials as well as the packaging functionality when defining measures.

We believe that more data and research is needed to enable a meaningful assessment of the options 3a, 3b and 3c to allow for legal certainty and innovation. The possibility of combining the options (3a,3b,3c) is not considered workable due to their complexity and the granularity required for applying them in practice. Clear criteria should be defined for each of the options with respect to distinctive elements including material neutrality, packaging systems, differences in the packaged product and logistic aspects. As it is proposed in the background document, the approach risks overlooking packaging functionalities as well as climate and environmental impacts.

5. Incentivise sustainable packaging instead of restricting specific packaging formats through a negative list.

Introducing the notion of “avoidable” packaging and defining a list of packaging which is to be phased out will set an extreme precedent in EU legislation that would hinder market freedom and consumer choice, create discrimination and limit business innovation. **The Commission should encourage sustainable innovation in circular packaging materials efficiency and investments in reuse and recycling solutions** with the review of the essential requirements. We would welcome an outcome based constructive PPWD which focuses on clear concepts, criteria, targets, and definitions instead of restrictions or bans. This would align with the Innovation Principle, which is a requirement of the Union’s Better Regulation Agenda.

The growth in packaging is closely linked to the economic and demographic growth coupled with the modern lifestyle and globalization trends. The impact assessment should evaluate packaging in relation to this new interlinked context.

6. Product presentation and customer acceptance should remain part of the core performance criteria for packaging.

Packaging is always created with a purpose to protect, preserve and promote a product. The loss or damage of the product has in many cases a higher environmental impact compared to the savings that are achieved by reducing the packaging itself, in terms of resources used and emissions created. Furthermore, **packaging conveys important information, including statutory 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 food loss and waste.

We believe that the revised Essential Requirements for packaging in the upcoming PPWD must strike the right balance between the functionality of packaging and the objectives of packaging circularity and waste reduction while respecting the circular economy principles and acting in a spirit of better regulation.

The paper and board industry is looking forward to being part of forthcoming discussions and to actively contribute to the process and upcoming workshops.

Brussels, 16 February 2020.