

The Packaging Supply Chain's rationale in support of the Packaging and Packaging Waste Directive and its packaging waste targets

Executive Summary

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1. Introduction

The below non-exhaustive list is intended to provide sound argumentation why the packaging supply chain, represented by EUROPEN¹, continues to support the Packaging and Packaging Waste Directive (PPWD) as a separate product and waste stream directive, including its separate packaging targets. This summary is intended for the use of the European Commission in view of its on-going impact assessment related to the general targets review of the PPWD, the Waste Framework Directive (WFD) and the Landfill Directive. This summary only focuses on the PPWD targets, in line with the remit and expertise of EUROPEN.

2. Overarching view

EUROPEN's viewpoint is based on two decades of experience with the PPWD and can be summarised as:

- **The PPWD is a demonstrably effective tool to limit disposal and oblige recycling and recovery of used packaging materials:** The PPWD has resulted in a marked decrease in the disposal of packaging materials and a corresponding increase in recovery. In 2011, 65.3% of all packaging was recycled in EU-15 countries compared to a baseline of 47.3% in 1998. Recycling across all EU-27 in 2011 was 63.6%.
- **EPR schemes initiated under the PPWD have effectively stimulated changes in packaging design:** The amount of packaging placed on the market in the EU-27 has increased 1.5% since 2005 i.e., from 78.97 million tonnes to 80.17 million tonnes in 2011 (the earliest and latest available date from Eurostat). This increase is significantly less than the near 14% increase in consumer household expenditure over the corresponding period. This is highly suggestive of the beginning of an effective decoupling of packaging generation from general economic activity arising from packaging reduction initiatives, in line with the essential requirements.
- **The PPWD is fundamental for guaranteeing the free movement of packaging and packaged products:** EUROPEN strongly supports the sole legal basis of the PPWD, i.e. the internal market, safeguarding the free movement of packaging and packaged goods throughout the EU. It is important to note that these provisions relate not only to packaging *per se* but also to packaged goods, and the PPWD consequently ensures the free circulation of the quasi-totality of consumer goods in the European Union. Any alternative is very difficult to contemplate, let alone implement.
- **The PPWD and its essential requirements are globally seen as best practice.** This is exemplified by the new ISO standards for packaging and the environment that are largely copied from the European CEN standards that are based on the essential requirements.

It is crucial to maintain the recycling and recovery targets for packaging waste in the PPWD and hence should not be subsumed into the broader WFD. The following are the key elements of EUROPEN's view:

¹ EUROPEN - The European Organization for Packaging and the Environment- is a unique cross-sectoral industry organization open to any company with an economic and sustainability interest in packaging and packaged products. It presents the voice of the packaging value chain on topics related to packaging and the environment. Since 1993, EUROPEN unites corporate members ranging from raw material suppliers, packaging manufacturers to brand-owners, who have the common objective to improve the environmental performance of packaging and packaged products in a fully accessible European market for packaging and packaged goods. www.europen-packaging.eu

- Key driver for recycling and recovery of used packaging – the PPWD is the appropriate legislative framework for driving the recycling and recovery of **all** packaging waste, irrespective of the waste stream in which it arises and **the targets need to be structured differently from those in the WFD**. Moreover, it is important to retain **specific databases on packaging and packaging waste**. In view of the large investments that industry has made in achieving the current packaging recycling rates, and having regard to their political prominence, we need generally accepted official data based on full traceability and harmonized definitions for packaging and packaging waste.
- Crucial to maintain the recycling and recovery targets for packaging waste in the PPWD – **to ensure that the infrastructure and systems for the separate collection of used packaging for recycling/recovery remain in place and in some cases are developed further**.
- In addition to the targets applicable to all packaging, whether arising in the household waste stream or elsewhere – **the revised PPWD should also contain specific post-consumer packaging recycling/ recovery targets**.
- **Collection of post-consumer packaging separately from organic or non-recyclable waste is essential** - to ensure a level of quality and quantity that makes recycling and recovery economically viable and environmentally beneficial.

3. Further Key Argumentation

3.1. EUROOPEN supports more harmonization between the WFD and PPWD, where appropriate

- EUROOPEN supports harmonization between the WFD and the PPWD where appropriate – i.e. clarifying and harmonizing definitions of key terms in both the WFD and the PPWD like EPR, separate collection, recovery, recycling and ‘obliged industry’.
- EUROOPEN supports the harmonising of rules for calculating and reporting national packaging recycling and recovery rates

3.2. However, EUROOPEN wants to keep the PPWD as a separate product and waste stream Directive for the following reasons:

- The PPWD is fundamental for guaranteeing the free movement of packaged products. The aims and objectives (as well as the legal bases) of the WFD and the PPWD are not the same. While the PPWD has an Internal Market legal base and dual objectives, the WFD is purely an environmental protection measure and does not address trade issues. For these reasons, EUROOPEN does not advocate such an alignment. The PPWD’s dual objectives – to reduce the environmental impact of packaging and packaging waste whilst securing the free movement of packaging and packaged goods throughout the EU, as well as avoiding divergences in national policies – remain valid and a key priority for industry today.
- The PPWD’s dual objectives are complementary and its environmental provisions should not hinder innovation and the Internal Market objective. For instance, measures for packaging recycling and recovery should not hinder innovation and the free movement of packaged goods throughout the EU, safeguarded by the PPWD’s Internal Market legal base.
- The PPWD is a harmonisation measure, meaning that it establishes common rules that help enable goods to trade freely and easily throughout the EU. It defines minimum (‘essential’) requirements for packaging and sets targets for the amount of used packaging that must be recycled or otherwise recovered in each EU Member State. It is important to recall, that the European Commission proposed the Directive – with its Internal Market legal base – in the early nineties because different national environmental measures were causing competitive

distortions and obstacles to the free movement of packaged goods. A shift to an environmental protection legal base would invite member states to again introduce restrictions on packaging based on environmental protection arguments, masquerading national product protection and hence jeopardizing the internal market principle.

- Art. 16 of the PPWD imposes the TRIS notification obligation of draft national measures. It allows proposed measures to be scrutinised for compliance with internal market rules before they have been introduced, and thus avoids economic damage arising from non-compliant legislation and limits lengthy legal procedures afterwards. Art 16 is a vital safeguard to the internal market principle as its usefulness has been proven over years and acknowledged by the Commission (*"the notification procedure has allowed to solve many internal market issues before they became a real problem"* - COM (2006) 767 final)
- Specific requirements for packaging and packaging waste – a separate EU regulatory approach for packaging and packaging waste is essential in order to address its specific requirements in terms of volume, consumer visibility, recycling value and market structure. If packaging cannot circulate freely throughout the Community, then the products that the packaging protects during distribution cannot circulate freely either. Thus, requirements affecting packaging or restrictions at national level that prevent its free circulation also affect a wide range of other product sectors.
- Regulatory security and predictability for the packaging value chain – the PPWD ensures regulatory predictability and security not only for companies in the packaging sector, but also for all companies marketing packaged goods. Moreover, in transposing the Directive, national legal frameworks have been set up which have enabled industry to carry out EPR requirements at national level and so help Member States meet EU recycling/recovery targets.
- The Essential Requirements in the PPWD and the related CEN standards – help to integrate resource efficiency in packaging development processes in a systematic way, and they have proved very important in tapping into hidden improvement potential. EUROOPEN believes that it is important to keep them as a recognized part of the EU regulatory system applicable for all packaging types and materials.

3.3. Why EUROOPEN continues to support packaging recycling and recovery targets in the PPWD.

In addition to point 2, EUROOPEN believes that:

- Current EPR schemes for packaging waste are considered a key tool by the obliged industry to achieve packaging recycling and recovery targets, and reflect its part of the responsibility, which is the end of life management of the packaging that companies put on the market. This is the part that the obliged industry can control and is accountable for, as part of the EPR principle.
- Packaging requires specific packaging waste management logistics which the EPR schemes for packaging waste have set up by looking for balanced relationships with the local authorities which are primarily responsible for regular household waste. Kerbside and other close-to-home collection points (bring systems) are particularly suited for packaging waste but less (or not at all) for other more cumbersome, less frequent waste streams.
- A revised PPWD can ensure a level playing field where EPR schemes are operating in competition with each other. Therefore, some corrective legal measures are needed in the PPWD, such as a harmonised definition of EPR, minimum requirements for EPR schemes that ensure transparency and efficiency, along with clearly assigned roles and responsibilities for Member States and economic operators.