

Packaging supply chain welcomes Circular Economy Package EUROPEN preliminary views on the legislative proposals for the WFD and PPWD

The Circular Economy Package and Commission proposals are an important step towards further sustainable growth and competitiveness for the packaging value chain in Europe. Packaging plays a positive role in a Circular Economy by optimising resource use, minimising product waste and protecting products all along value chains. Packaging performs a multitude of functions for many products across sectors and must be assessed in relation to the product it protects and from a complete life cycle perspective. EUROPEN membersⁱ are committed to continuously improving the environmental performance of packaged products in a sustainable manner.

EUROPEN's preliminary top-line views on the proposals amending the Waste Framework Directive (WFD) and Packaging and Packaging Waste Directive (PPWD) are as follows:

Safeguard of free movement of packaging and packaged goods in the Internal Market

- The legal base of the PPWD, which safeguards against protectionist measures and market fragmentation, is a fundamental legal instrument for guaranteeing the free movement of packaging and packaged goods in the EU Internal Market. Therefore, we strongly support the retention of the Internal Market safeguard, which remains vital to achieving a competitive and resource efficient Circular Economy for our value chain.

Harmonised calculation method for packaging recycling rates

- The proposal rightly establishes the point of measurement for packaging recycling as the point of input to a final 'preparing for re-use' or recycling process, after sorting operations have been completed¹. The option to count output from sorting operations under certain conditions is consistent with this measurement approach.

Packaging 'preparing for re-use' / recycling targets

- The proposed targets and deadlines will drive investments and more quality separate collection, while realistically taking into account the wide variation of waste management performance between Member States and regions.
- Robust measurement and accurate reporting will be crucial to ensure transparent, comparable, high-quality statistics across the EU. EUROPEN agrees with the need for reliable data on 'preparation for re-use' and is ready to work with EU policymakers to clarify the related Annex IV in the PPWD on the method for counting and reporting towards the joint packaging target for 'preparation for re-use' and recycling, particularly the meaning of the proposed numerator and denominator.
- As acknowledged by the Commission², reuse measures for packaging "*have to be seen with particular caution from an internal market perspective*". The systems, measurement and reporting of preparing for reuse or reuse for packaging (versus "products") need to be carefully assessed case-by-case with rigorous analysis from an economic and environmental point of view.

¹ cyclos/HTP (2014) Impact assessment: The European Commission's Proposed Changes to the Calculation Method for National Packaging Recycling Rates. Brussels: EUROPEN. (Based on previous July 2014 Commission proposal) – Study available upon request.

² European Commission (2009) *Communication on Beverage packaging, deposit systems and free movement of goods*, OJ C 107, 9.5.2009

Legal framework for Extended Producer Responsibility (EPR)

- We strongly welcome the Commission's intention to improve the transparency of and rule enforcement for EPR schemes, as well as the accountability of different actors in EPR³ implementation. We agree that clear roles and responsibilities need to be established for producers, EPR schemes, public or private waste operators, local authorities and, for the relevant waste streams, recognised re-use operators where appropriate. These roles should be extended to distributors (retailers) and citizens. Member States, not EPR schemes as suggested in the proposal, should also retain the roles as specified under article 8a (1).
- EUROOPEN welcomes and looks forward to contributing to the proposed exchange of information on the practical implementation of the General Requirements on EPR. EUROOPEN members also welcome the requirement for Member States to establish national EPR stakeholder dialogue platforms, which should also include producers/importers, as the key obligated stakeholder.
- In line with this shared responsibility for packaging waste management, financial contributions assigned to producers/importers must be consistent with their nationally defined roles and responsibilities. We support most of the specified harmonised requirements regarding the financial contributions of producers in the WFD proposal to meet the respective targets in the EU Directives. We support coverage of real end-of-life net costs for separate collection and sorting for recycling. However an unlimited obligation for producers/importers "to cover the entire cost of waste management" including undefined "treatment operations" and potentially including other and divergent national measures is not proportionate to producers' role and responsibility and risks fragmenting the Internal Market.
- We welcome the EPR minimum requirements on transparency which should avoid cherry-picking of materials and geographic scopes in article 8a, point 3. EPR schemes should also be required to account for the revenues received from the reuse or sales of secondary raw materials from their products in order to ensure the application of the net cost principle as required under Article 8a (4)a first indent. Accordingly, revenues from the reuse or sales of secondary materials should be added to the list of information as required under Article 8a (3)d.
- Requiring EPR schemes to "*gather data on products placed on the Union market by producers subject to EPR*" is disproportionate if EPR schemes for packaging are required to collect data about each individual packaged product. Therefore, we wish to repeat that packaging should not be considered as a '*product*' or '*product group*' and for that reason has its own distinctive legal text (i.e. PPWD). Further specification is needed of how this provision practically applies to our industry, which uses a broad range of packaging materials and types to cover all packaged goods.

ⁱ EUROOPEN -- the European Organization for packaging and the Environment -- is an EU industry association in Brussels presenting the opinion of the packaging supply chain in Europe on issues related to packaging and the environment, without favouring any specific material or system. EUROOPEN members are comprised of multinational corporate companies spanning the packaging value chain (raw material producers, converters and brand owners) plus national packaging organizations all committed to continuously improving the environmental performance of packaged products, in collaboration with their suppliers and customers. www.europen-packaging.eu; Twitter: [@EUROOPEN_ORG](https://twitter.com/EUROOPEN_ORG)

³ EPR definition: the producer's full or partial financial and/or operational responsibility for a product, extended to the post-consumer state of a product's life cycle, as a means for Member States to meet EU recycling targets.