



JUNE 2016

The following are the proposed amendments to the Commission's proposal on the Packaging and Packaging Waste Directive by Producer Responsibility Organisations (PROs) for packaging, who represent obliged industry in Austria, France, Germany, Ireland, Poland, Portugal, and the United Kingdom (the "G7").

Signatories:

- ARA, Austria
- Eco Emballages, France
- Der Grüne Punkt – Duales System Deutschland GmbH, Germany
- Repak, Ireland
- Rekopol, Poland
- SPV, Portugal
- Valpak, United Kingdom

Amendment 1

Article 4

S.Bonafè's proposal

1. (...)

Those measures shall contribute to reaching a reduction in the packaging waste generation in order to contribute to the attainment of the objectives of the waste prevention programmes as set out in Article 29 of Directive 2008/98/EC. They shall include incentives to minimise the environmental impact of packaging through extended producer responsibility schemes, and incentives for the take-up of re-usable packaging and deposit schemes as set out in Article 5 of this Directive.

Member States shall take measures to achieve a sustained reduction in the consumption of single use, non-recyclable packaging and over-packaging or similar actions adopted in consultation with economic operators, and designed to bring together and take advantage of the many initiatives taken within Member States as regards prevention. By way of derogation from Article 18 of this Directive, those measures may include the use of national reduction targets and market restrictions. They shall comply with the objectives of this Directive as defined in Article 1(1).

(...)

3. *No later than 31 December 2018 the Commission shall present proposals for measures to strengthen and complement the enforcement of the essential requirements and to ensure that new packaging is put on the market only if the producer has taken all necessary measures to minimise its environmental impact without compromising the essential functions of the packaging. The Commission shall in particular present a proposal for measures concerning non-recyclable packaging, packaging containing hazardous substances, single use packaging, disposable and excess*

G7's amendment

1. (...)

Those measures shall contribute to reaching a reduction in the packaging waste generation in order to contribute to the attainment of the objectives of the waste prevention programmes as set out in Article 29 of Directive 2008/98/EC. They shall include incentives to minimise the environmental impact of packaging through extended producer responsibility schemes, and incentives for the take-up of re-usable packaging and deposit schemes as set out in Article 5 of this Directive **where technically, environmentally and economically practicable and appropriate.** Member States shall take measures to achieve a sustained reduction in the consumption of single use, non-recyclable packaging and over-packaging or similar actions adopted in consultation with economic operators, and designed to bring together and take advantage of the many initiatives taken within Member States as regards prevention. By way of derogation from Article 18 of this Directive, those measures may include the use of national reduction targets and market restrictions. They shall comply with the objectives of this Directive as defined in Article 1(1).

(...)

3. No later than 31 December 2018 the Commission shall present proposals for measures to strengthen and complement the enforcement of the essential requirements and to ensure that new packaging is put on the market only if the producer has taken all necessary measures to minimise its environmental impact without compromising the essential functions of the packaging. The Commission shall in particular present a proposal for measures concerning **single-use non recyclable** packaging, packaging containing hazardous substances,

packaging, and assess the possibility of market restrictions for those items at Union level.

disposable and excess packaging, and assess the possibility of market restrictions for those items at Union level.

Justification

The G7 would like to highlight the fact that the environmental balance between a “single use” and a “reusable” packaging depends on the material, the situation and the product considered.

A single use packaging may have a better environmental balance than a reusable packaging when its weight has been reduced to the minimum and an efficient recycling scheme with reduced transportation is in place.

It must also be considered that a non recyclable packaging may exist if it is the only solution to protect the product and if to date a viable recycling route does not exist– this illustrates that being non-recyclable cannot be considered as a criteria alone.

In fact, this can only be assessed on a case-by-case basis.

As a result, considering the additional administrative and costs burden it represents for the producers of products and the consumer, it is important to make sure that the development of a specific collection scheme or measures dedicated to promote reuse of packaging which has not yet become waste (as defined in the rapporteur’s proposal on article 3 of the PPWD), or the reduction of single use packaging which are not recyclable is only encouraged where there is a clear environmental benefit and acceptable cost compared to recycling.

Amendment 2

Article 4

S.Bonafè’s proposal

(...)

*3a. Member States shall, **where appropriate**, encourage the use of bio-based packaging by taking measures such as:*

G7’s amendment

(...)

*3a. Member States shall, **where technically, environmentally and economically practicable and appropriate both for the packaging and its product**, encourage the use of bio-based packaging by taking measures such as:*

Justification

The G7 would like to highlight that some bio-based materials are not recyclable, and can even disrupt the recycling processes, especially when they are put on the market on very small quantities.

It must also be observed that biobased does not always mean a reduced environmental

impact. This shall therefore be verified by a LCA study both for the packaging and its product on a case-by-case basis. This is the case of PLA which cannot be recycled (but can be composted in an industrial facility).

Amendment 3

Article 5

S.Bonafè's proposal

Member States ***shall*** encourage reuse systems of packaging, which can be reused in an environmentally sound manner, in conformity with the Treaty.

1a. Member States shall attain the following targets for re-used packaging and a deposit-refund scheme covering the whole of their territory:

a) no later than 31 December 2025 a minimum of 5% by weight of all packaging waste will be re-used;

b) no later than 31 December 2030 a minimum of 10% by weight of all packaging waste will be re-used.

1b. In order to attain the targets set out in paragraph 2, Member State shall take at least the following measures:

- encouraging the use of deposit return schemes for re-usable packaging products;

- incentivising the setting up of a minimum percentage of re-usable packaging placed on the market every year per packaging stream;

- providing adequate economic incentives to producers of re-usable packaging.

1c. Re-used package and packaging which is collected by a deposit-refund scheme may be counted towards the attainment of prevention targets established by national prevention programmes adopted in accordance with the criteria laid down in Article 4.

The Commission shall present a proposal for the implementation of an Union-wide deposit scheme for re-usable packaging at

G7's amendment

Member States shall encourage reuse systems of packaging, which can be reused in an environmentally sound manner, in conformity with the Treaty, ***and in a viable economic manner.***

1a. Member States shall attain the following targets for re-used packaging:

a) no later than 31 December 2025 a minimum of 5% by weight of all packaging waste will be re-used;

b) no later than 31 December 2030 a minimum of 10% by weight of all packaging waste will be re-used.

1b. In order to attain the targets set out in paragraph 2, Member State shall take at least the following measures:

- encouraging the use of deposit return schemes for re-usable packaging products;

- incentivising the setting up of a minimum percentage of re-usable packaging placed on the market every year per packaging stream;

- providing adequate economic incentives to producers of re-usable packaging.

1c. Re-used package and packaging which is collected by a deposit-refund scheme may be counted towards the attainment of prevention targets established by national prevention programmes adopted in accordance with the criteria laid down in Article 4.

the latest 18 months by [Office of Publications, please insert date of entry into force of this Directive + 18 months].

Justification

The reuse of a product defined as the reuse of a product which has not yet become a waste (as defined in the rapporteur's proposal on article 3 of the PPWD), is one possibility to reduce the amount of waste and its impacts.

However, studies show that reuse or recycling may both be beneficial to the environment, depending on the material, the packaging weight, the distances and the local performance of recycling scheme, e.g. on the French territory, reusing a PET bottle would lead transporting an empty and heavy bottle for hundreds of kilometres, whereas a very lightened and well-recycled bottle will have a reduced environmental impact. This has been documented by a position paper of the French Environmental Agency (ADEME), recommending that reuse be implemented for specific retail routes or local products with reduced transportation.

Likewise, recycling a PET bottle has a lesser environmental impact than re-using a glass bottle, notably because the glass bottle for re-use requires the use of more material and energy for its making than the PET bottle.

However, for an uncertain environmental benefit, it is clear that implementing a specific collection scheme for reuse would lead to very high costs ; firstly because of the implementation of the reuse scheme itself, secondly because this would increase the cost of the recycling scheme since its fixed costs would have to be borne by a reduced amount of remaining and yet not reusable packaging waste stream.

Therefore, the G7 proposes that the reuse targets take into account the local existing situation for packaging waste management, and be assessed on a case-by-case basis.

In addition, the following observations may be done:

- The G7 does not understand why re-used packaging and deposit-refund systems are put at the same level whereas the latest is a way to collect the previous one. Deposit implies the development of a specific collection scheme, whereas reuse can be achieved by other means.*
- The re-use of packaging, when it comes to household packaging, may apply to PET and glass bottles. Most of other packaging cannot be reused. In the French situation, with 5 MT household packaging including 2,1 MT beverage packaging, a 10% target would in reality mean 25% of the "eligible" packaging.*

Regarding the provision providing that the Commission shall make a proposal for the implementation of an Union-wide deposit scheme for re-usable packaging, it is interesting to note that according to a working group led by Zero Waste France on behalf of the French Environment Ministry which took place in accordance with the Energy Transition law recently passed, such national-wide system was excluded (and confirmed a conclusion of the French Environmental Agency in 2010).

Instead an experimentation to assess the relevance of deposit systems for re-used packaging

will be led at a local level only (the evaluation will include the economic and social impacts, and the impact on the selective collection system in place).

Two of the main criteria to assess the relevance of such a system are the distances between the manufacturer and the selling point, and the logistics on a given territory. That means that this assessment may vary greatly from one country to the other one. As a result, it seems unreasonable to set a compulsory European system, least to say without leading a prior study for given packaging and material.

Amendment 4

Article 6 paragraph 1

S.Bonafè's proposal

1. Member States shall take measures to promote sorting systems for all packaging materials.

In order to comply with the objectives of this Directive, Member States shall take the necessary measures to attain the following targets covering the whole of their territory:

(...)

(f) no later than 31 December 2025 a minimum of **70%** by weight of all packaging waste **generated** will be prepared for reuse and recycled;

(g) no later than 31 December 2025 the following minimum targets by weight for preparing for reuse and recycling will be met regarding the following specific materials contained in packaging waste:

(i) **60%** of plastic;

(ii) **65%** of wood;

(iii) **80%** of **ferrous** metal;

(iv) 80% of aluminium

(v) 80% of glass;

(vi) 90% of paper and cardboard;

(h) no later than 31 December 2030 a minimum of **80%** by weight of all packaging waste **generated** will be prepared for reuse and recycled;

(i) no later than 31 December 2030 the

G7's amendment

1. Member States shall take measures to promote sorting systems for all packaging materials.

In order to comply with the objectives of this Directive, Member States shall take the necessary measures to attain the following targets covering the whole of their territory:

(...)

(f) no later than 31 December 2025 a minimum of **65%** by weight of all packaging waste generated will be prepared for reuse and recycled;

(g) no later than 31 December 2025 the following minimum targets by weight for preparing for reuse and recycling will be met regarding the following specific materials contained in packaging waste:

(i) **40%** of plastic;

(ii) **60%** of wood;

(iii) **75%** of **metal**;

(iv) 75% of glass;

(v) 75% of paper and cardboard;

(h) no later than 31 December 2030 a minimum of **75%** by weight of all packaging waste generated will be prepared for reuse and recycled;

(i) no later than 31 December 2030 the following minimum targets by weight for preparing for reuse and recycling will be

following minimum targets by weight for preparing for reuse and recycling will be met regarding the following specific materials contained in packaging waste:

- (i) **80%** of wood;
- (ii) **90%** of **ferrous** metal;
- (iii) **90% of aluminium;**
- (iv) **90%** of glass.

met regarding the following specific materials contained in packaging waste:

- (i) **55 % of plastic;**
- (ii) **75%** of wood;
- (iii) **85%** of metal;
- (iv) **85%** of glass;
- (v) **85%** of paper and cardboard.

Justification

The new targets are ambitious to drive a market for secondary raw materials (preparation for reuse being understood as defined in the rapporteur's proposal on article 3 of the WFD, i.e. "products that have become waste").

Most of them are almost achievable for Member States, apart from the targets for plastics, aluminium and paper and cardboard packaging which most likely raise severe issues.

Recycling more plastics packaging implies large investments and considerable time to drive the needed industrial metamorphosis from top to bottom of the value chain (e.g. the new EU target requires France to double its performance).

For some plastic types, it necessitates the development of viable industrial processes that do not exist to date.

Recycling more plastics packaging will definitely take time and it will be essential to take this time to build a long-lasting and viable market for secondary raw materials.

The target set for 2025 is therefore not realistic for having a fully operational recycling scheme. Thanks to the current expansion of the sorting instructions to include all plastics packaging in France, it is expected to recycle 56% of plastics packaging by 2030.

It must be also considered that setting recycling targets that high for plastic does not take into consideration the characteristics of the material. Higher recycling rates for steel or glass are achievable due to the fact there is neither quality nor material loss. Adversely, plastic is subject to a degradation over the successive recycling loops. The same considerations apply to cardboard for which fiber is subject to degradation over time.

Regarding aluminium packaging, the targets set (75% in 2025; 85% in 2030) are undoubtedly too high for many Member States, given existing and projected capacity, available technologies as well as the kind of packaging concerned and the current small share aluminum packaging is representing in the metal packaging consumption figures.

A significant proportion of aluminium packaging consists of small and thin items such as closures, foil and laminates which in many member states are not well sorted by consumers and also subject to many losses in sorting centres.

The split of the metal target into ferrous metal/aluminium targets while setting them both at the same level is thus problematic as it cannot be considered that the former metal target was equally achieved by both materials. Should the separate target for aluminium remain, it should be significantly lower than the target for steel.

Lower targets on the EU level still leave the possibility for high-performing member states to set higher or more differentiated targets in their national legislation (e.g. Germany).

Finally, although it is agreed that the targets must be ambitious to drive a market for secondary raw materials, the sorting constitutes a natural limit, and while making the best efforts, there shall never be 100% of sorting (100% participation AND accuracy). This is the reason why the targets should remain ambitious while being more realistic as proposed in the Commission's drafts.

Amendment 5

Article 6a

S.Bonafè's proposal

G7's amendment

1a.

deleted

If packaging waste is composed of different materials, each material shall be separately taken into account for the purpose of calculation of the targets laid down in points (1)(f) to (i) of Article 6(1).

Justification

The G7 is very surprised that the rule of the predominant material is abandoned in the new draft.

Counting separately materials will for certain lead to additional administrative and cost burden without providing additional accuracy to the data reported by the Member States.

Indeed, recycling plants processes vary greatly, and operators focus on the fraction they will pass over to the end user. Composition of the remaining fraction which is disposed of is therefore not known unless specific analysis are required for European statistics purposes only. In any case, this does not allow the setting of a unique reporting method.

Considerable work should thus be achieved to take into account all the waste streams, for no significant impact on the final data, be it positive, or negative.