Written questions to Ms Joanna Drake

**Ensuring policy coherence within the Green Deal**

While the EU’s 2050 climate neutrality objective is at the heart of the European Green Deal, many other EU objectives concerning health, circular economy and food waste are also aimed at. It is thus important to identify and minimise potential trade-offs, for instance between reducing packaging, ensuring food safety, supporting healthier diets, and tackling food waste.

Questions:

- How will the Commission ensure coherence between all EU political objectives in order to anticipate and minimise trade-offs?
- Will the Commission undertake an overarching scientific assessment of the actual impacts of the various Green Deal initiatives, as announced previously, and how can we contribute to it/support it?

Under President von der Leyen’s leadership all Commission policies are built around the European Green Deal, which remains our compass for a green recovery in the COVID-19 crisis. The Green Deal is a systemic response, which has policy coherence between all its proposals as well as other initiatives at its core. The Commission’s internal working methods, which as a rule involve all services concerned, ensure that throughout their preparation and implementation, broad strategies which address entire systems, such as energy, mobility or food, remain coherent. Strategic thinking is also reflected in the organisational structure of the current Commission, which entrusts the leadership on the European Green Deal to one of three Executive Vice-Presidents. In her mission letters to the Commissioners, President von der Leyen also asked of every Commissioner to ensure the delivery of the SDGs within their respective policy area, stating that the college as a whole is responsible for their overall implementation.

The Green Deal initiatives where set out in legislation will be subject to evaluations and fitness checks in line with the Better Regulation Guidelines, including an assessment of their effectiveness, efficiency, coherence, relevance and EU value added and so covering also scientific assessment. More holistically, there should be an overarching assessment within the context of the review and evaluation of the 8th EAP. All Commission evaluations involve public consultations and will allow for feedback from interested stakeholders, including Food Drink Europe. Moreover, the EEA provides independent information on the environment and so will be highly relevant in this context through, for example, its state of the environment reports.

**Circularity of packaging**

The Packaging and Packaging Waste Directive will soon be revised but the Single Use Plastics Directive (SUPD) has yet to be fully transposed across the EC Member States. There is thus an urgent need for a clear legislative and regulatory framework in order to provide long term visibility and legal certainty for economic operators and to avoid dispersion of resources with scattered local initiatives.

Questions:

- How will the Commission ensure the creation of an EU level playing field for packaging and packaging waste, while ensuring coherence and consistency between the various ongoing and upcoming political developments?
What can we expect from the revision of the Packaging and Packaging Waste Directive in terms of reduction of material use, reuse and refill?

In particular, has the Commission already discussed the long term goals that it will aim to achieve, in particular in relation to the upcoming revision of the PPWD?

The Commission is currently revising the Packaging and Packaging Waste Directive in order to ensure that by 2030 all packaging that is being put on the EU market is either reusable and/or recyclable in an economically viable manner. According to the new Circular Economy Action Plan, this revision has as its main objective to reinforce the essential requirements for packaging to align them with the circular economy objectives and the waste hierarchy as well as make them more enforceable and implementable. For this purpose, the notion of “recyclable” packaging will be defined and further operationalized. As it’s further objective, the revision process is looking at measures to increase the recyclable content of packaging and reduce the generation of packaging waste, all with the objective to reduce the packaging resource and carbon footprint. Among the measures considered are therefore targets for reusable packaging and recycled content targets, but the precise levels and packaging types/materials, for which the targets will be proposed, are still under discussion.

The supporting impact assessment study is on-going and we are expecting a draft final report to be delivered at the end of September. Before that, a series of workshops will be held (presumably in June), at which we will present the selected measures and the results of the impact assessment done by the consultant. I would like to highlight that extensive consultation has taken place so far, both by the Commission and the consultant, with stakeholders from the entire value chain. In addition to several interviews and discussions, workshops have taken place (on waste prevention and recycled content), and we have received almost 600 answers and more than 70 position papers to the open public consultation, which was concluded in January.

The EC’s policy goals are clear in relation to recycling and reuse (e.g. 100% reuse or recyclable packaging by 2030), however the ultimate goals linked to packaging reduction (including overpackaging) and recycled content are less so. Great efforts have been and are being made by the food and drink sector to meet the EU’s objectives to enhance packaging recycled content, including through voluntary actions such as the Circular Plastics Alliance. There is however an urgent need to foster waste collection, including through improving consumer sorting information and harmonising collection schemes across Member States. There is also a need for significant investment to be made at national and EU levels in waste management infrastructure and recycling technologies.

Questions:

- What is the Commission planning to do to address these challenges and achieve the EU circular economy objectives?
- Will the Commission encourage Member States to develop recycling infrastructures in terms of e.g. number, geographical coverage and quality?
- How can the Commission ensure alignment between the green recovery plan and the need for local investment in waste management infrastructure, and the EU’s circularity ambitions?
- How could DG ENV further support the work of the CPA to help deliver on the EU’s circularity objective and help ensure coherence between existing parallel initiatives including the European plastics pact?
- Can DG ENV help accelerate DG SANTE’s work on food grade authorisations to ensure that the offer for food-quality recycled plastic materials matches the growing demand by the food and drink industry?
The Commission is fully aware that there are other valuable voluntary initiatives in the packaging sector and is fully supporting them. There is a very close cooperation between the Commission's services in charge of the revision of the PPWD and the Circular Plastic Alliance as well as the Ellen MacArthur Foundation. Furthermore, the alignment of the initiative on the revision of the PPWD with other Commission's services working on related initiatives, such as the revision of the Food Contact Material legislation and the F2F, is ensured via bilateral contacts and inter-service group meetings.

As regards the separate collection systems, the Commission has started working on the feasibility of harmonizing certain aspects of these systems and will propose concrete measures in the upcoming revision of the waste framework directive in 2023. The Commission is fully aware of the potential and benefits that better informed consumers and better separated and collected waste can bring in terms of improved circularity of materials, which is why we have embarked on this work. However, it should nevertheless be stressed that according to the new rules, which will need to apply for all packaging as of 2024, producers will be responsible to ensure that financial contributions, which they pay for the end-of-life management of packaging that they put on the market, cover at least 80% of the necessary cost of the separate waste collection and treatment to meet the EU targets and objectives.

There are many national developments related to waste, plastics and the circular economy (e.g. in France and Spain) which go beyond the scope of the SUPD and other EU waste-related legislation which risk posing barriers to free movement of goods in the EU.

Questions:

- Can the Commission ensure proper functioning of the Single Market in this context?
- Are there any actions already being taken in this direction?

As regards the implementation of the SUP Directive and other legislation related to packaging as recently adopted by some Member States, the Commission is following these developments with due care and attention. The Commission has made several comments and, where appropriate, has issued detailed opinions, all in the context of the notifications received under the internal market legislation (Directive 2015/1353). After the end of the transposition deadline for the SUP Directive, the Commission will follow-up with legal procedures, as appropriate.

Environmental information to consumers

The green claims initiative is expected to be launched this summer. Our sector supports the creation of an EU legislative framework for the voluntary provision of product environmental information based on mandatory conditions, including the use of PEF. However, the PEF methodology is complex and difficult to understand and apply, especially for SMEs. We therefore believe that the simplification of PEF is a precondition for making it mandatory for the substantiation of green claims.

Questions:

- How can PEF be improved / further developed to make it easier to use for all companies, including SMEs?
- Would it be possible to facilitate this process by focusing the simplification exercise on agri-food sectors, as the need for and importance of food security may require specific targeted support?
Several product environmental labelling schemes have been launched or are being developed at national levels. For instance, in France, Yuka has launched an app that allows to scan products to find out about their environmental impacts, while the national environmental agency ADEME is working on a national scheme that is expected to be launched by the end of the year. The growing number of environmental labels risks exacerbating existing consumer confusion and will not allow consumers to compare products if they so wish.

**Questions:**

- Considering that the new green claims legislation will not be in force before several years, how can the Commission avoid that these national initiatives pose a risk to the Single Market and jeopardise the successful development of an EU level playing field?
- To ensure a level playing field, how will the Commission ensure that the future requirement to substantiate green claims will apply to all entities that provide environmental information to consumers, including retailers, private applications and not for profit organisations?

As part of the Farm to Fork Strategy, the Commission intends to launch, in 2024, a sustainable food labelling framework to empower consumers to make sustainable food choices.

**Questions:**

- In your opinion, to what extent will the green claims initiative inform the future sustainable food labelling framework? How will environmental labelling fit with other existing / future food labelling schemes, e.g. on nutrition, animal welfare, country of origin and deforestation?

The European Green Deal stressed the need for reliable, comparable and verifiable information in purchasing decisions and for reducing the risk of greenwashing. It also mentioned the need to substantiate green claims against a standard methodology.

The Circular Economy Action Plan specified this action further by stating that the Commission will propose that companies substantiate their environmental claims using Environmental Footprint methods. This action was further taken up by the Consumer Agenda.

The multiplication of methods for measuring environmental performance is especially costly for SMEs. The introduction of one single method for substantiating green claims ensures a level playing field. In addition, under the initiative, the combination of free datasets made available by the EC and an increasing number of PEFCRs leads already to a simplification in the application of the methods. The EC is looking into possibilities to make it easier and cheaper for SMEs to apply the method such as a simplified calculation tool. Further trainings and e-learning tools are being offered or under development.

We should not forget that the communication of environmental footprint information in an effective way can bring also benefits to the SMEs as it can be used to promote their products. The environmental performance of the products is becoming more and more relevant for the consumers and it can be used to differentiate their products from those of their competitors.

The green claims initiative would set up an effective enforcement system to ensure that companies observe its requirements.
As announced by the Farm to Fork Strategy, the initiative on sustainable food labelling will be developed in synergy with other initiatives, including the green claims initiative.

**Sustainable food systems – Farm-to-fork strategy Questions:**

- What are DG ENV’s expectations regarding the F2F Code of Conduct in relation to environmental sustainability, in particular in terms of areas that should be addressed, aspirational commitments and actions?

The Code of Conduct for Responsible Business and Marketing Practices will set out the actions that the actors ‘between the farm and the fork’, such as food processors, food service operators and retailers, can voluntarily commit to undertake to tangibly improve and communicate their sustainability performance. It is foreseen to have two components. The first component will include general aspirations and specific actions that can be practically adopted by all actors. This first component is now being developed in collaboration with associations and NGOs, by a task force under the chairmanship of FoodDrinkEurope. The second component is aimed at tangible, more ambitious commitments by individual companies with measurable outcomes; it will be developed by the Commission in collaboration with interested companies.

Detailed information about the Code of Conduct can be found on the web page at [Code of Conduct for Responsible Business and Marketing Practices | Food Safety (europa.eu)](https://www.europa.eu)

**Biodiversity**

**Questions:**

- How will DG JUST proposals on sustainable corporate governance on human rights and on environmental duty of care and mandatory due diligence (expected Q2 of 2021) be taken into account in DG ENV’s expected proposal on deforestation and forest degradation?

The legislative initiative on sustainable corporate governance is based on a horizontal approach addressing human rights, and environmental duty of care acting upon the behaviour of companies. It is complementary with the initiative on deforestation covered by this Impact Assessment. They operate at different levels, the former on a horizontal level, and the latter addressing more specific issues. While sustainable corporate governance approach addresses business operations, the deforestation approach is focusing on specific products and supply chains. Therefore, while general objectives may be shared and are mutually supportive, specific objectives are naturally different.

Concrete obligations will depend from one area/sector to another and might include additional specific elements going beyond the horizontal obligation and establishing stricter or more targeted rules or enforcement regime, including this deforestation initiative. For example public authorities’ checks on operators can be different, covering different elements. Also, possible court cases will be built on a different basis and in a different way. This clearly has major consequences also in terms of different results in cost-benefit analysis and the impact assessment exercises more in general. The two approaches are still compatible - possibly even more so because they cover these different elements.