FoodDrinkEurope input to the Packaging and Packaging Waste Directive Impact Assessment study June 2021 Webinars

Ahead of the workshops organized by the consultants EUNOMIA, performing the inception impact assessment (IA) of the review of the Packaging and Packaging Waste Directive (PPWD) on behalf of the European Commission, FoodDrinkEurope would like to bring forward certain views on the different axis of the workshops.

We would like to request for a transparent and proper consultation on the occasion of these workshops, where the views of the participants are recorded, assessed and accounted for the decision making process to define the policy options under the PPWD review.

Setting the end goal and the pathway

The end goals of the future PPWD review should be to reduce the environmental footprint of the life cycle of providing packed products to the end consumer and ensure that when packaging is has accomplished its function, no packaging waste ends up in the environment, while fostering innovation in line with the European Green Deal ambitions.

The Commission should follow an integrated approach to designing the most suitable set of measures, including in relation to recycling, reuse, packaging waste minimisation and improvement of waste management infrastructure. Measures should be conceived as tools to achieve the end goals and their impact should be assessed through robust cost/benefit analysis and full life cycle assessment (focusing on all life cycle stages of the product) that allow business to innovate at scale.

The Commission should seek to provide solutions along supply chains and different packaging applications while considering other packaging elements, such as design for recycling, food waste prevention and reduction, and product safety and quality.

Any new requirements or measures in the PPWD or any other future EU policy on packaging should be set at European level to avoid fragmentation of the EU Single Market. Industry needs to be able to rely on harmonised standards across the EU to avoid barriers to commercialisation of goods in the Member States.

The reviewed PPWD should introduce mechanisms to ensure its national implementation is coherent and does not disrupt the internal market and the scope of application of the directive is strictly observed. Diverging national initiatives undermine general EU circular economy and net zero emissions as well current technological investments by food and drink operators supporting such objectives.
Recyclability

The food and drink industry welcomes the Commission’s proposal to look into EU-harmonised definition of recyclability. Definition of recyclability should be technology neutral. Recyclability of packaging has a packaging-design component, but also depends on existing infrastructure. Requirements establishing minimum harmonised end-of-life infrastructure across the EU are urgently needed, which would also be favoured by the development of EU-harmonised packaging disposal information for consumers, in parallel to the development of Design-for-Recycling (DfR) guidelines. DfR guidelines should build on the work of the Circular Plastics Alliance.¹

Any discussion on criteria for recyclability should take on board the views of the full packaging chain including users and producers and should take into account both current and soon to be adopted recycling options in a harmonised manner at EU level.

Recycled Content and packaging safety

Many companies and sectors have made individual voluntary pledges to increase the circularity of and recycled content of their packaging. In addition, Directive 2019/904 provisions specific obligations for beverage containers. FoodDrinkEurope and many of its company and sector association members have endorsed the EU objective to see 10 million tonnes of recycled plastics make their way into new products by 2025 and are members of the Circular Plastics Alliance and/or the European Plastics Pact. To be able to further enhance the circular economy for packaging and comply with existing and future provisions that may come up as part of the new CEAP and to further support the climate neutrality objective, food and drink producers, bearing the highest safety requirements on product contact materials, need however to have preferential access to affordable and safe, food-contact recycled materials which is hardly the case today.

We support the introduction of new quality standards beyond the current food-contact in order to support wider and safe use of secondary raw materials and avoid competition with food and drink applications. Considering that there are already legislative targets set to reintegrate recycled materials in drink packaging, we also call on the Commission to develop guidance to promote the circularity of materials especially with regards to redirect as a priority food-contact plastics (PET, PE, HDPE, PP) into food-contact recycled plastic to secure adequate supply without compromising safety standards for the food and beverage sectors and allow them to fulfil their legal obligations. Such standards should ensure priority access to material for those producers, include a technically neutral definition of recycled content to allow for innovation in the space of packaging design and in recycling technologies. Exports of high-quality material outside of Europe (e.g. China) are detrimental to further use of recycled material within the EU market and measures should as well be considered to halt them in this framework. We also call the European Commission to swiftly approving the backlog of EFSA authorizations of recycling processes to produce food contact recycled plastics.²

Increasing at such a large scale the amount of recycled material in food and beverage packaging means investing on effective collection schemes, undertaking risks and investing on new packaging design and new recycling techniques. Therefore incentivising a stronger uptake of recycled content should be realized through tools providing long-term perspective, competitive prices and legal certainty for economic operators. Restrictions and bans (at national or EU levels) fail to convey these necessary

² [https://ec.europa.eu/food/safety/chemical_safety/food_contact_materials/authorisations_en](https://ec.europa.eu/food/safety/chemical_safety/food_contact_materials/authorisations_en)
economic conditions as they do not support sustainable packaging as a positive contributor to circularity.

These efforts by Food and Drink industry to increase recycled content, are made in parallel with efforts not to use packaging where possible, reduce the material used, develop new ways to serve the consumer safely and to reuse packaging. Therefore when producers finally use packaging that has been conceived as recyclable (designed-for-recycling), it is collected and recycled in the end and includes recycled content, then this packaging is sustainable and has its place in a circular economy.

Should there be mandatory measures on recycled content for food and drink packaging, these should be framed in a coherent approach on the secondary raw materials market in the EU including, for example, measures to ease the movement of these materials in the EU market.

**Waste prevention**

The European Commission has announced its intention to incorporate, in the revised PPWD, specific requirements on both packaging waste and packaging reduction which would go beyond the current set up of the Essential Requirements of the Packaging and Packaging Waste Directive. To achieve a more circular, resource efficient economy, it is important to clearly distinguish measures aimed at reduction of unnecessary packaging from measures aimed to reduce the quantities of materials lost to the environment and not recycled, and to clearly define the ultimate common goal of those measures. The main goal of both types of measures should be to achieve minimum environmental footprint for the provision of products to the consumer up until the end of life and allow innovation at scale.

Measures on aiming to reduce packaging waste should follow an integrated approach to designing the most suitable set of measures, including improvement of minimum harmonised end-of-life infrastructure and disposal information (as previously reported in relation to packaging waste minimization, recycling, and reuse). Measures should be conceived as tools to achieve the end goals and their impact should be assessed through robust cost/benefit analysis and full life cycle assessment (focusing on all life cycle stages of the product) that allow business to innovate at scale.

On this basis, we would like to propose to set an objective that addresses the problem of non-necessary packaging supported by an assessment of how relevant is non-necessary packaging in the market today. We would recommend the Consultant to carry out an assessment of the EU market assessing how relevant are overpackaged goods compared to the overall of packaged goods.

In case it is found that non-necessary packaging is a generalized problematic with a wide presence on the market of packaged goods in the EU then on that basis we understand a quantitative objective should be set in order to decrease the impact of that overpackaging on the Environment. Such objective should be based on a quantitative approach.

The current definition of packaging waste in the PPWD is equal to packaging put in the EU market. Therefore any measures aimed at reducing packaging waste is equal to any measure to reduce packaging. Such approach to a packaging waste definition has trade-offs, as measures to reduce packaging to be wasted and lost to the environment (such as recycling and reuse) are not accounted for in the assessment of the reduction of packaging waste by the European Commission. Such divergence should be revisited in the ongoing revision of the directive in order to review the
contribution of recycling and reuse to the overall objectives of the Commission to reduce packaging waste.

The impact assessment for the revision of the PPWD should reflect on the need to ensure packaging can meet its expected functionality. In the case of food products, core functionality criteria include the use of materials to keep product hygiene, safely protect the product from being crushed and ensure that it meets consumer expectations in terms of maintaining texture and taste throughout its shelf-life. Other key functionality is to communicate legally required food information to consumers in the required languages, provide a variety of portion-controlled options for single-person households and families to help them maintain a healthy diet. In many cases, the packaging material must also be strong enough to run on high-speed filling lines without breaking, it must be suitable for sealing and the package must be big enough to contain precisely weighed amounts of product filled at speed.

Necessary packaging should be defined as packaging that is necessary to meet its expected functionality in terms of:

- Safely conveying products to the consumers throughout supply chains ensuring compliance with food safety legislation and preserving quality/freshness of the product.
- Providing key information to consumers, especially on legally required information of products’ content, nutritional values and in some cases, country of origin; or other relevant information on its environmental performance
- Support efficient manufacturing processes, logistics and transport and handling throughout the food chain with the objective to achieve a minimum environmental footprint;
- Provision of a variety of portion-controlled options for single-person households and families to prevent food waste and help households economize

Under- or sub-optimal packaging must be avoided as it creates unintended consequences. Underpackaging is packaging that is not able to meet its expected functionality.

Reusable packaging

In search of an optimum environmental outcome of the future measures, reuse and refill systems should be implemented when it makes sense from a life cycle assessment point of view. These systems should for instance not lead to long distance return transport and greater energy and water use to meet the necessary hygiene requirements of the returned packaging as well as the whole reuse logistic and infrastructure. They should neither lead to issues on the recycling of reusable packaging once their functional life has ended. Such balance of impacts needs to be assessed on a case by case basis and enable business operators to take the decision as to what is the best environmentally wise option.

Measures on packaging reuse should also go beyond simple design decisions. Reuse or refilling of packaging require the establishment of alternative management systems and infrastructure which are different from those currently generalized today (including via EPR schemes) as well as change of consumer attitudes. When considering reuse systems for a certain packaging format, the impact assessment should take into account the resulting economic viability of existing EPR schemes subsequent from reducing contributions of the waste materials now being reused.
Regulatory barriers would also need to be removed when it comes to refill and reuse, like labelling of products. In the labelling context, stronger call for digitalisation will be needed. Liability of refilled products will also need to be assessed (ie. regarding food/safety/hygiene etc)

There are several conditions that should as well be observed when setting measures on reusability:

- Proposals should take into account existing legislation on packaging, ie SUP and targets on reduction and collection targets
- Clarity and clear differentiation with regards to reuse-related terms is needed such as package-less, refill, packaging reduction etc, and how these interact with each other
- Facilitating measures related to refill should be applicable to retailers
- Should there be measures on refill, there should be flexibility or bonuses to help producers to achieve these targets
- SMEs should be able to meet the proposed requirements
- A well-functioning waste management infrastructure (such DRS) is a precondition for refill options to work
- Consumer acceptance should be assessed in order to ensure full return of reusable packaging