

ECMA feedback on the Packaging & Packaging Waste Regulation proposal

The European Carton Makers Association (ECMA) welcome the Commission's ambition to contribute to a climate neutral circular economy through the proposal for a Packaging and Packaging Waste Regulation (PPWR). The new legislation should also ensure that proposed measures meet the primary objective *"to reduce the negative environmental impacts of packaging and packaging waste, while improving the functioning of the internal market"*.

There are several overarching issues with the proposal. Firstly, the harmonization achieved by switching from a Directive to a Regulation may be jeopardized by allowing Member States to go beyond the requirements. This measure undermines the internal market legal basis, significantly complicates implementation, and challenges the basic principle of a regulation set by Article 288 of the Treaty for the Functioning of the European Union (TFEU)¹. Secondly, the huge number of delegated acts expected should be reconsidered as they will create regulatory uncertainty and risk not taking stakeholder expertise in account. Finally, ECMA supports the introduction of harmonised labelling requirements but suggests that these be aligned with existing product legislation; for example, the rules for tobacco packaging and medicine packaging are defined in specific laws for those products².

ECMA would also like to emphasize specific key aspects in the proposal that require further discussion and elaboration and recommends the following:

- **Recyclability requirements should be aligned with the Design for Recycling criteria and set recycling rates.**
- **Market restrictions should be evaluated to ensure they do not increase negative environmental impact and food waste.**
- **Reuse targets should be realistic and positive for the environment, society, and economy following science-based policy making.**
- **Mandatory recycled content should be set only for plastic packaging, according to the Circular Economy Action Plan.**

Recyclability requirements should be aligned with the Design for Recycling criteria and set recycling rates

The PPWR proposal sets clear recyclability requirements and suggests that Design for Recycling criteria are established for specific types of packaging, as listed in Annex II, Table 1. In the case of paper and board, two different types of paper & board packaging are identified: Paper/Cardboard packaging and composite packaging of which the majority is paper/cardboard.

However, the recycling rates in Article 46 of the proposal for specific materials are set for paper & cardboard only. ECMA recommends using the approach provided by Article 46 also for the assessment of the recyclability requirements (Annex II, Table 1) and for data collection (Annex XII, Table 4), including recycling at a scale where the evaluation is made for all paper & board packaging being

¹ Art. 288 TFEU - A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

² The Tobacco Products Directive 2014/40/EU concerns the manufacture, presentation and sale of tobacco and related products. Directive 2001/83/EC and Regulation (EC) No 726/2004 include harmonised provisions for the manufacture, wholesale or advertising of medicinal products for human use, among other legislation.

recycled at Union level. This will allow for harmonized implementation and assessment across industry sectors and Member States and is also in line with the definition on “recycled at scale” according to Article 3(32).

While the proposal addresses key issues related to recyclability, it does not regulate an essential step to increase recycling: collection. In order for recycling rates to improve, separate and effective collection of packaging is a logical prerequisite. The regulation should address the need for efficient collection systems in Member States to facilitate the achievement of the established recycling targets.

Market restrictions should be evaluated to ensure they do not increase negative environmental impact and food waste

Measures on packaging prevention, including market restrictions, should be meaningful, achievable, and support the overall objectives of the EU Green Deal and Circular Economy. Banning single use packaging for fruits and vegetables (containing less than 1,5kg) and single-use packaging in the HORECA sector, as suggested in points 2, 3 and 4 of Annex V, could be counterproductive for the economy and the environment.

All packaging is created with a purpose to protect, preserve, and promote a product. The loss or damage of a product has a higher environmental impact compared to the savings achieved by reducing the packaging itself, in terms of resources used and emissions created. For packed food products, packaging only makes up 3-3.5% of the carbon footprint³. Therefore, if the market restrictions result in packaging removal or minimisation, leading to increased bulk packaging, the resulting damaged food will increase food waste and worsen environmental impacts. If reusable systems are implemented instead, then the environmental impact of the water usage required for cleaning processes must also be taken into consideration.

Additionally, single-use packaging helps ensure that hygiene and food safety standards are met by food packaging. Reusable packaging for fruits and vegetables, on the other hand, brings increasingly complex logistic challenges related to transport, sanitation, and storage. If not effectively implemented, these systems can spread contamination, leading to increased food waste and food safety issues.

Reuse targets should be realistic and positive for the environment, society, and economy following science-based policy making

According to the Impact Assessment, *“The general objective of the legislative proposal is to reduce negative environmental impacts of packaging and packaging waste and improve the functioning of the internal market, thus boosting efficiency gains in the sector”*. The reuse targets in the PPWR proposal risk compromising this objective and undermining the Circular Economy Action Plan’s intention to make packaging recyclable or reusable by 2030.

The suggested high reuse targets will result in the substitution of paper & board with plastic packaging, for which recycling is already challenging. This risks flooding the market with millions of tons of plastic packaging, giving plastic a disproportionate advantage, and increasing the EU’s dependency on imported fossil resources. This ultimately fails to fulfil the main objective of the PPWR proposal and harms the competitiveness of the internal market.

³ [guideline_stopwastesavefood_en_220520.pdf\(denkstatt.eu\)](#)

In addition, effective reuse systems can only be achieved with high level of standardization of packaging formats, which ignores innovation and limits competition. Standardized packaging also risks increasing overpackaging, directly contradicting the Commission's ambition to limit excessive packaging. Reuse systems also require more logistics, transport, washing, etc., which will significantly increase emissions, water and chemical usage and overall environmental impact.

Existing studies indicate that reuse has higher environmental impact compared to recyclable packaging for certain studied applications⁴. Therefore, reuse systems can only be part of the circular solution⁵. While other studies deny this, the reality shows that reuse systems have not worked in practice⁶ and do not always provide the expected environmental benefits. Reuse targets that do not take into account existing scientific evidence will fail to support the EU's green ambitions. ECMA therefore recommends that recycling and reuse act as complementary measures following science-based policy making and life cycle thinking.

Mandatory recycled content should be set only for plastic packaging, according to the Circular Economy Action Plan

The Circular Economy Action Plan states that *"to increase uptake of recycled plastics and contribute to the more sustainable use of plastics, the Commission will propose mandatory requirements for recycled content and waste reduction measures for key products such as packaging, construction materials and vehicles"*.

Based on this call to increase the amount of recycled plastic, Article 7 of the PPWR should only establish recycling content requirements for plastic packaging, not the 'plastic part in packaging'. The current text extends the scope of the requirement beyond plastic packaging to all packaging that uses polymer-based adhesives, varnishes inks and coatings. However, these cannot be produced with "plastic recovered from post-consumer plastic waste", meaning that the requirement is not feasible given the available technology. This extension of the scope has not been evaluated by the Impact Assessment and therefore Article 7 should only refer to plastic packaging.

Paper & board packaging already has a recycling rate of 82%, the highest among materials⁷. Some paper & board packaging also contains high recycled content; for example, corrugated cardboard uses on average 89% recycled paper.

A level-playing field for all materials and packaging should be maintained as a pre-requisite for the functioning of the internal market. The PPWR should aim to improve the circularity of packaging lagging in performance and, at the same time, support further improvements in materials which are already circular and renewable – like paper & board packaging.

ECMA is committed to supporting the EU policymakers in developing a realistic and ambitious framework for packaging and packaging waste and achieving a climate neutral circular economy.

⁴ [Comparative Life Cycle Assessment \(LCA\) \(efco.org\)](https://www.efco.org/en/comparative-life-cycle-assessment-lca/)

⁵ <https://www. Kearney.com/consumer-retail/article/-/insights/no-silver-bullet>

⁶ <https://packaging-journal.de/praxpack-testet-mehrweg-im-onlinehandel/>

⁷ [Statistics | Eurostat \(europa.eu\)](https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&code=sdg12.2.1)