

Feedback from EU/Eunomia workshops on PPWD review organised

Between 16 June – 24 June 2021

Introduction

There were 6 workshops which were led by Eunomia and supported by DG Environment:

- Mattia Pellegrini, Head of Waste Management and secondary materials at DG Env
- Maja Desgrees du Lou, Policy Officer for PPWD

The workshops were intended to present interim results of the Impact Assessments conducted by Eunomia and the measures they are proposing. Eunomia and DG Env were seeking stakeholder feedback.

ECMA attended all 6 workshops

DG Env stressed that the measures are only a proposal from Eunomia and do not represent a final decision by the Commission.

Stakeholders are able to provide feedback by **9 July 2021**

Executive summary – key points for folding cartons

- No bans on packaging types are being considered
- The Essential Requirements are being reviewed to reduce confusion, increase enforcement (only 4 member states have enforced the ER) and ensure packaging is aligned with the Green Deal objectives
- All packaging to be recyclable or reusable – reusable packaging should also be recyclable (with exemptions)
- Definitions for recyclability is proposed, considering three options which could be combined:
 - Qualitative definition and quantitative demanding “at least 95% of the functional packaging unit to be recyclable, and innovative or new packaging should be recyclable within 2 years
 - Mandatory design for recycling criteria (via an implementing act)
 - Recycling rate thresholds – initial proposal is 20% by 2025
- New Implementing Act to harmonise the criteria for EPR fee modulation across Member States
- New Implementing Act for harmonised mandatory labelling to include “materials used” and “relevant components”
- Restrictions on hazardous substances in packaging (substances of concern)
- Mandatory reporting of recycled content in all packaging on the EU market – by brands or via EPR
- Specific recycling targets for plastic packaging only to apply at brand level
- New definition of over-packaging based on minimum amount of weight and volume to maintain core areas of functionality
- Core list of performance criteria will change – focus on protection, manufacturing process limitations, logistics, information requirements, safety, legislation. Marketing will be deleted as a criterium
- Mandatory target to reduce the average unit weight of paper packaging by 5% by 2030
- EU wide void space limit of 40% proposed for e-commerce and distribution
- Member State top-down reuse targets for all packaging of 5 – 10% by 2030
- Product sub-categories to have specific targets for primary, secondary or tertiary packaging ranging between 10% and 100% by 2030 and 2040.

Detailed feedback from the specific workshops

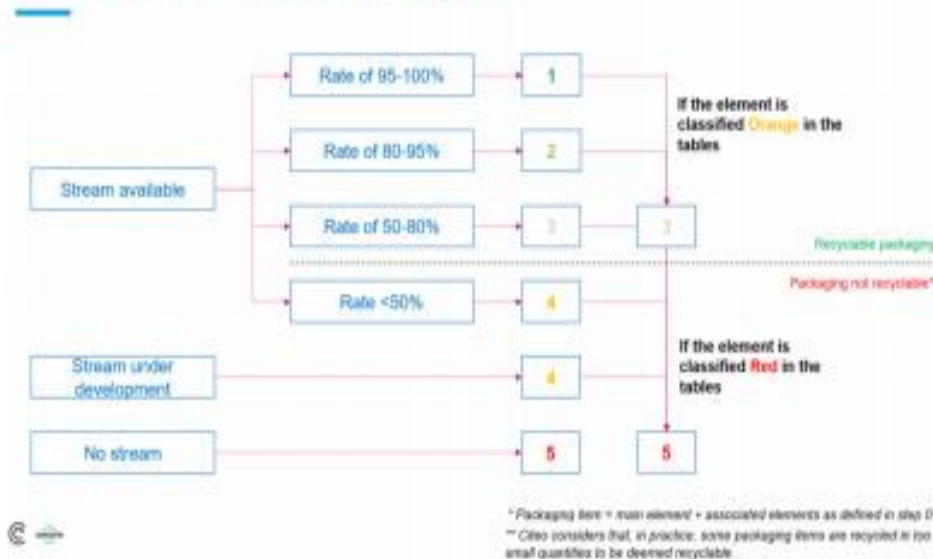
Workshop on Recyclability – 16 June 2021

- The consultant presented what in their opinion is "difficult to recycle" packaging: less likely to be collected in streams for sorting/recycling, possess challenges to the majority of sorting systems, possess challenges to recycling operations.
- Key characteristics that inhibit recycling relevant for paper packaging:



- The work of CITEO, France on their recyclability methodology was promoted as one of the examples considered in the development of measures. It applies to household packaging only and provides a definition of operational recycling streams in practice and at scale, definition of recyclable packaging and a tool for companies to assess recyclability. CITEO is proposing 5 levels of recyclability and 3 colour coding system (green, orange, red) to qualify recyclable packaging and its treatment. See below.

Determine the recyclability level for the packaging item



- The consultant is proposing 4 measures for recyclability, which are being evaluated in the impact assessment. See below:

#	Measure	Variant a	Variant b	Variant c
21	Updates to the Essential Requirements	All packaging shall be reusable or recyclable by 2030	All reusable packaging must be recyclable, (unless exemption)	/
22	Defining recyclable packaging	Qualitative definition in PPWD text	Defined by use of design for recycling methodologies	Defined quantitatively by minimum recycling rate thresholds
23	Harmonisation of EPR fee modulation criteria in an implementing act	/	/	/
27	Harmonised standards for labelling of recyclable packaging	Not assessed	Not assessed	to include information on material components

- Changes to ER proposed:
 - Par. 3a – include new recyclable definition and remove reference to “a certain percentage by weight of material”.
 - Par. 3b – delete packaging recoverable in the form of energy recovery.
 - Require reusable packaging to meet the requirements of par.3 (with exemptions).
 - Delete “in an economically viable way”.
 - New definitions proposed, see below:
 - Clarification: 95% of functional unit “to be recyclable, not recycled”!!!

- **Incorporate definition into the ERs and make it mandatory:**

“Recyclable packaging is that which can be effectively and efficiently separated from the waste stream, collected, sorted and aggregated into defined streams for recycling processes, and recycled at scale through relevant industrial processes such that it is turned into a secondary raw material, in line with Article 6a of the PPWD for calculating recycling targets, and of a sufficient quality that it can find end markets to substitute for the use of primary raw material. Innovative packaging placed on the market that requires new infrastructure to be developed shall be recycled at scale within a maximum period of two years. At least 95% of the functional unit of packaging shall be recyclable according to this definition, with the remaining minor components compatible with the relevant recycling process and not hindering the recyclability of the main components.”

- **Definition of secondary raw material may be interpreted to exclude composting. Additional clarifying text:**

“Compostable packaging is considered to be recyclable where it is processed to produce compost, digestate or other output - and that output is subsequently used on land, in line with Article 6a of the PPWD.”

- Innovative (new) packaging to be recyclable within 2 years from placing it on the market, until then highest EPR fees category.
- Introduction of mandatory design for recycling criteria – detailed in Implementing act, Commission will set a Technical Committee to define criteria for each packaging category.
- The approach of Recyclclass was presented as example for the design for recycling.
- Possible list of packaging that can go through a “light touch” process: cardboard boxes without plastic liner specifically mentioned!!
- A harmonised design for packaging labeling to include “materials used” and “relevant components” – through an Implementing act.
- The Impact Assessment revealed positive impact of all measures. The measures are listed with their respective number of the impact assessment (see below)

21. Updates to the Essential Requirements

Impact category	a. All packaging shall be reusable or recyclable by 2030	b. All reusable packaging must be recyclable, (unless exemption)
Effectiveness	Clearer, more enforceable EU level requirements on packaging > drive design for reuse and recyclability of packaging	Close a loophole in the Essential Requirements, but the effectiveness depends on the criteria for demonstrating exceptions
Ease of implementation	Straightforward, involving a change to existing wording. The actual implementation depends on measure 22	Straightforward, requiring that producers seeking an exemption to apply for this to the responsible body.
Administrative burden	Slight additional burden due to increased enforceability	Slight additional burden in developing case for exemptions and enforcement
Economic impacts	~250m€ additional net costs of packaging production ~17m€ additional costs in waste management	~80m€ additional net costs of packaging production ~8m€ additional costs in waste management
Social impacts	~5,000 additional FTEs	~1,600 additional FTEs
Environmental impacts	Savings of 830 thousand tonnes CO ₂ e, 35 thousand m ³ water use and 200m€ in GHG + AQ externalities	Savings of 276 thousand tonnes CO ₂ e, 11 thousand m ³ water use and 65m€ in GHG + AQ externalities
Stakeholder Views	Strong support for updates to the Essential Requirements to bring consistency across MS.	Concern amongst smaller companies that innovation is not stifled.

22. Defining recyclable packaging

Impact category	22a. Qualitative definition in PPWD text	22b. Defined by use of design for recycling methodologies	22c. Defined quantitatively by minimum recycling rate thresholds
Effectiveness	Hampered by room for varied interpretation	More likely to be effective at creating cost-effective innovation across the recycling chain	Limited by lack of data at sufficient granularity, highly effective beyond 2030
Ease of implementation	No mechanism in definition to support implementation	Challenging in set up phase but builds on existing industry work to define guidelines	Difficult as requires technological investment to get sufficient data
Administrative burden	Light for Commission, but enforcement by MS problematic given openness in definition	Significant on the Commission during process of implementation, Enforcement burden lies with Member States.	Significant with new data systems and reporting processes
Economic impacts	~250m€ additional net costs of packaging production ~17m€ additional costs in waste management	~850m€ additional net costs of packaging production ~60m€ relative cost savings in waste management	~1,500m€ additional net costs of packaging production ~350m€ relative cost savings in waste management
Social impacts	~5,000 additional FTEs	~16,000 additional FTEs	~30,000 additional FTEs
Environmental impacts	Savings of 830 thousand tonnes CO ₂ e, 35 thousand m ³ water use and 200m€ in GHG + AQ externalities	Savings of 2,800 thousand tonnes CO ₂ e, 100 thousand m ³ water use and 650m€ in GHG + AQ externalities	Savings of 5,800 thousand tonnes CO ₂ e, 200 thousand m ³ water use and 1,800m€ in GHG + AQ externalities
Stakeholder Views	Concerns over lack of clarity in this definition	High degree of support with concerns over restrictive guidelines hampering innovation	Concerns over how this is implemented

Workshop on Overarching principles – 17 June 2021

Measures on Green Public Procurement (GPP)

- Measures proposed as evaluated in the impact assessment – mandatory criteria.

#	Measure	Variant a	Variant b	Variant c
40	Packaging criteria in GPP	Additional minimum criteria on packaging added to the current (voluntary) GPP measures	Mandatory minimum packaging criteria for priority product and service areas	Mandatory minimum packaging criteria for all products and service areas
41	Environmental award criteria	/	/	/

- The GPP minimum criteria for packaging will be developed by JRC.
- Possible combination of packaging criteria and environmental award – minimum criteria focusing on waste prevention, reuse and recyclability coupled with award criteria to incentivize higher level of waste prevention and recycled content.
- Example given for single use packaging: "At least 70% of fibers of paper and cardboard packaging is from sustainable sources (recycled/sustainably managed forests)."
- Priority categories suggested: relevant to paper is only "printed matter and related products", although food category might be related too.

Hazardous substances

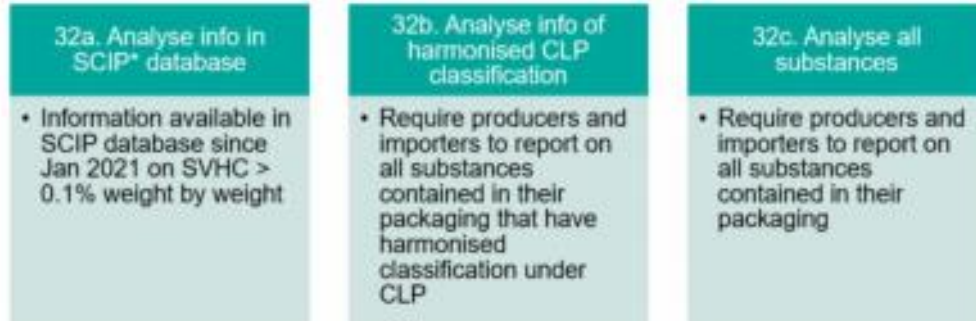
- Packaging including food packaging is considered one of the priority product categories to minimize presence of substances of concern.
- Measures proposed to minimize hazardousness:

#	Measure	Variant a	Variant b	Variant c
31	Update 'hazardousness' in PPWD	/	/	/
32	Reporting of hazardous substances in packaging	Assessment of the info provided through SCIP notification	Assessment of substances with harmonised classification under CLP	Assessment of all substances used/present
33	Restriction of substances in packaging under the PPWD	/	/	/

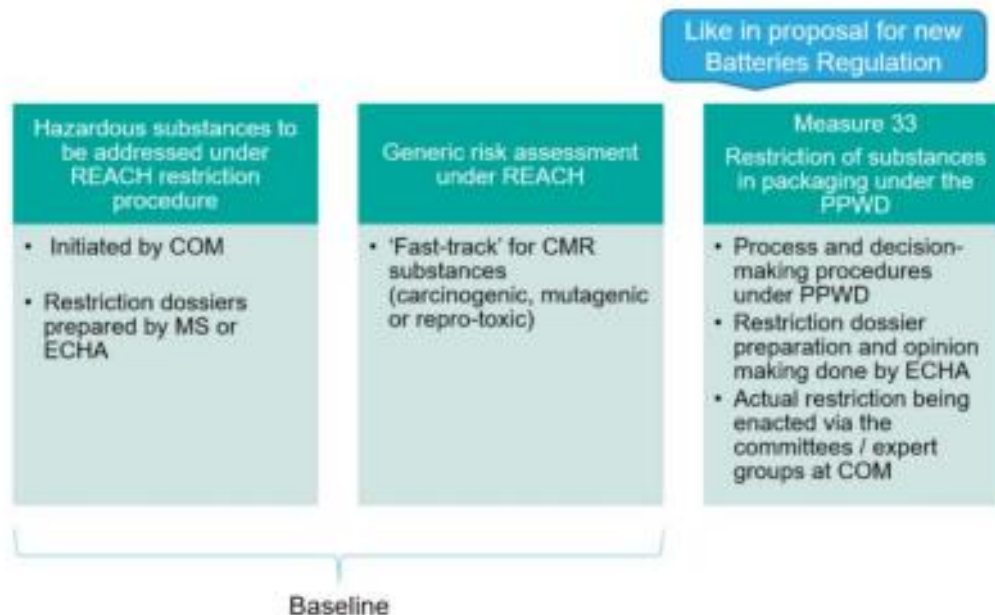
- The update of "hazardousness" in PPWD includes:
 - Expand the objective in Art 1 to protect human health and consider the whole life cycle of packaging.
 - Replace the term "noxious and other hazardous substances and materials" by "substances of concern" (i.e. SVHC on Candidate list, chronic toxicity in CLP, substances than hamper recycling)
- More details on the measure 32 for reporting of hazardous substance is below:

Chemicals Strategy for Sustainability

- "ensure **availability of information on chemical content and safe use**, by introducing information requirements in the context of the Sustainable Product Policy Initiative and tracking the presence of substances of concern through the life cycle of materials and products"



- More details on the measure 33 for restriction of hazardous substances in packaging, different routes proposed:



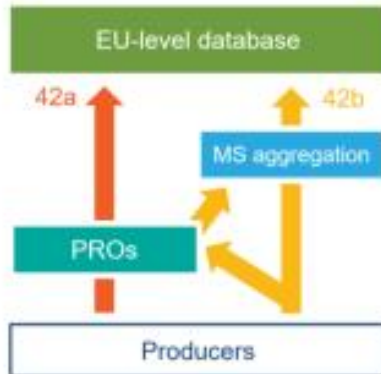
Enforcement and data

- The proposal includes two measures, see below:

#	Measure	Variant a	Variant b	Variant c
42	EPR reporting harmonisation and consideration of packaging registries	EPR scheme data passed on to EU level database	EPR scheme data passed on to EU database via MS aggregation	<i>Not assessed</i>
45	Reinforcement of the Market Surveillance Authorities and enforcement	/	/	/

- Reporting systems are explained below:

Both variants would see harmonised and more detailed EPR reporting requirements introduced at EU-level



42a → EPR scheme data passed directly on to EU-level database

42b → EPR scheme data aggregated by MS and then based to EU-level database.

Links to other areas:

- 23: Harmonisation of EPR fee modulation
- 32: Expanding the information base of hazardous substances

- Proposal for reinforcement of market surveillance includes a creation of AdCo (Administrative Cooperation Groups) for cooperation among MS.

Workshop on Recycled content – 18 June 2021

- Consultant presented the baseline – recycled content by material:

Packaging Material	Application	Recycling Rate (EU-27)	Average Recycled Content
Metals	All metal packaging	~83% (Eurostat, 2018)	-
	Steel packaging	~83% (APEAL, 2018)	~58% (APEAL, 2017)
	Aluminium cans	~75% (European Aluminium, 2017)	~47% (2019)
Paper / Cardboard	All paper and cardboard packaging	~84% (Eurostat, 2018)	-
	Corrugated Cardboard	-	~89% (FEFCO, 2018)
	Carton board (excluding beverage cartons)	-	~50% (CEPI, 2019)
Glass	All glass packaging	~76% (Eurostat, 2018)	~56% (average of all colours, FEVE 2019)
Plastic	All plastic packaging	~42% (Eurostat, 2018)	~12% (Economia initial estimate)
	PET	~58% (Petcore, 2017)	-
	PET beverage bottle	-	~12% (EuPC, 2017)

- New requirement in Annex II – specific to the manufacturing and composition of packaging

“Packaging shall be designed, produced and commercialised in such a way as to substitute the use of virgin materials with recycled materials in so far as this is technically feasible to maintain the necessary level of safety and hygiene for the consumer.”

- The proposal includes 3 measures evaluated in the impact assessment:

#	Measure	Variant a	Variant b	Variant c
34	Updates to the Essential Requirements (ERs)	Not assessed	through mandatory RC reporting for <i>all</i> packaging	/
35	Recycled content targets for <i>plastic</i> packaging	Top-down targets	Bottom-up targets	/
37	Harmonised definition and measurement method	/	/	/

- Mandatory reporting of recycled content in all packaging placed on EU market – by brands or via EPR.
- Specific recycling targets for plastic packaging that will apply at brand level– possible choice between:
 - Top-down targets – minimum average % by weight of all recycled plastic to be used across all plastic packaging on EU market:
 - Proposed target of 30% by 2030 (OR 25% for post-consumer only)
 - Bottom – up targets – minimum average % across all polymers and applications within a given packaging group:
 - Proposed target for plastic crates, pallets, boxes of 70% by 2030.
 - Plastic film in primary packaging applications – 25% by 2030.
 - Plastic film in secondary packaging applications – 70% by 2030.
 - Implementing act on rules for calculation, verification, and reporting.
 - Definition of recycled content for plastic:

"For the purposes of attainment against the target in Article XX, "recycled plastic" shall mean the outputs of plastic waste recycling that are used in the manufacture of plastic packaging listed in XX and pursuant to the definition of "plastic" in Article 3(1), and "recycling" in Article 3(17) of Directive 2008/98/EC on waste. "

Workshop on Waste prevention – 23 June 2021

- Examples of excess packaging – include corrugated e-commerce packaging.
- Measures proposed by Eunomia and evaluated in the IA, see details below:
 - New definition of over-packaging – see below.
 - Core list of performance criteria to change - marketing will be deleted.
 - Mandatory MS top-down target to reduce average unit weight per material, same target for all MS:
 - Total weight divided by total units, by 2030 (relative to 2018)
 - For paper – 5% reduction (similar for glass and plastic)
 - For steel and Al – 2 % (due to existing efforts to reduce)

#	Measure	Details
1	Over-arching changes to limiting criteria approach	<ul style="list-style-type: none"> • Clear definition of 'over-packaging' • Update the list of minimisation-limiting performance criteria (from CEN 13428) • Include as a mandatory set in the Directive.
2	Mandatory MS 'top down' % reduction targets	Average unit weight reductions, by packaging material type; the same for each MS
3	Best-in-Class weight limits	EU-wide benchmark weight limits for all bottles and jars – with the potential for continuous improvement ('top-runner' approach)
5	Void space threshold limit	EU-wide 'empty space' limits for e-commerce and other key sectors where excess void space is a known issue

- Measure 1 is considered a pre-requisite for all other measures.
- Measure 3 and 5 are intended to work together – expected effectiveness (measure 3 = 2.7% reduction in packaging waste, measure 5 = 1.7% reduction)
- Measure 2 seen as offering flexibility to MS but risking market distortion – expected effectiveness (2.7 % reduction in packaging waste)

New definition of over-packaging

"Packaging shall be manufactured and used such that the packaging volume and weight be limited to the minimum amount that still allow that the core areas of functionality (set out in Annex X) are maintained. An excess packaging is defined as one where, subject to an exemption or evidence that a core performance criteria otherwise limits the pack size and/or weight, the amount of packaging exceeds one or more of any limiting benchmarks set out for the relevant product/sub-product category for packaging. The threshold ratios and benchmarks are as defined under future Implementing Acts."

Core list of performance criteria is reduced to:

1. Product protection limitations
to prevent significant product waste
2. Manufacturing process limitations
handling/speed in pack-filling
3. Logistics / handling limitations
to allow appropriate handling in distribution and by consumers
4. Information requirements
for retailers and consumers
5. Safety considerations
e.g. in regard to pack opening by consumers
6. Legislation
i.e. other legal requirements, such as for pharmaceutical products

- Best in class weight limit – considered only for glass (bottles and jars) for now but creating a dangerous precedent that would extend to all packaging in future.
 - Maximum weight defined for a range of packaging or material type.
 - Best in class weight defined, allowing +20% deviation.
 - Implementing EU Regulation to set the legal threshold – items exceeding the threshold not allowed on the market after 2030 (with updates thereafter based on continuous improvement approach).
 - Possibility to expand to other products – e.g. plastic trays and others.
- EU wide void space limit
 - Primary target is e-commerce and distribution packaging.
 - Limit applied to the outer packaging around the original product packaging.
 - Implementing EU Regulation to set the threshold.

- void defined as the space between a virtual inner box (that touches the extremities of the product/elements) and the outer pack, or the planar area equivalent

- CEN standard to set out void measurement approach.
- Void space limits- proposed by consultant:

- 40% for e-commerce and distribution packaging
- 25% for loose products that need to settle after packing in production, or multiple items that need to be separated within the pack (for reasons other than sales and marketing)
- 15% for other products, including electronics and software/data storage devices



Workshop on reuse – 24 June 2021

- Tertiary packaging considered as success for reuse due to a shift towards returnable transport packaging.
- The consultant is proposing 5 measures for reuse, which are being evaluated in the impact assessment. See below:

#	Measure	Variant a	Variant b	Variant c
8	MS level 'bottom up' reuse targets	Voluntary targets	Mandatory for selected groups – low level	Mandatory for selected groups – high level
9	MS 'top down' reduction targets	Not assessed	5% reduction to be met by reuse	10% reduction to be met by reuse
10	Standardisation of reusable packaging and effective reuse systems	Commission to issue standardisation request to CEN	Reusable packaging formats - mandatory and specified in legislation	Reuse system - mandatory and specified in legislation
11	Business advisory body	Mandated formally at EU or national level	Not assessed	/
12	Harmonised labelling for reusable packaging	/	/	/

- Measures 8 and 9 are target based, while measures 10, 11 and 12 are necessary supporting measures.
- The bottom-up reuse targets (measure 8) were set by product and packaging category groups. Targets are set as a proportion of product sales, see below.
- Consideration still ongoing on whether targets are to be set as voluntary or mandatory. Mandatory targets could be with "low or high ambition", see below.
- The sectors are 'Horeca', 'Secondary/Tertiary packaging' and 'Grocery'.
- The product sub-categories and target levels were established based on feasibility/existing commitments by stakeholders and the potential for scaling up reuse efforts.
- "Target band high" means more feasible (high priority), "medium" means less feasible (lower priority).

Sector	Packaging Type	Product sub-category	Low Ambition		High Ambition	
			Target band: HIGH			
			As proportion of product sales			
2030	2040	2030	2040			
Horeca	Primary	Toiletries and single serve condiments in the hotel sector	100%	100%	100%	100%
Secondary/Tertiary Packaging	Tertiary	Tertiary packaging within businesses or groups of businesses that constitute closed loops	100%	100%	100%	100%
Horeca	Primary	Food and beverages, eat-in	80%	90%	90%	100%
Secondary/Tertiary Packaging	Tertiary	B2C: secondary/tertiary - boxes - for large white goods	100%	100%	100%	100%
Secondary/Tertiary Packaging	Secondary/Tertiary	Remaining B2B secondary/tertiary e.g. crates, pallets, kegs, drums (excl boxes, wrappings and straps)	30%	100%	50%	100%
Horeca	Primary	Beverages, take away	20%	80%	30%	95%

Sector	Packaging Type	Product sub-category	Low Ambition		High Ambition	
			Target band: MEDIUM			
			As proportion of product sales			
2030	2040	2030	2040			
Grocery	Primary	Fresh fruit and vegetables, excluding small and fragile produce such as berries	15%	60%	25%	90%
Secondary/Tertiary Packaging	Tertiary	B2C: Tertiary: E-commerce non-food, non large white goods	10%	50%	20%	80%
Horeca	Primary	Food, take-away	10%	40%	20%	75%
Grocery	Primary	Cleaning and detergents	10%	40%	20%	75%
Secondary/Tertiary Packaging	Tertiary	B2B: Wrappings and straps	10%	30%	20%	75%
Secondary/Tertiary Packaging	Secondary/Tertiary	B2B: secondary/tertiary - boxes - (excl white goods, excl B2C (E-commerce))	8%	25%	15%	50%
Grocery	Secondary	B2C: Secondary packaging - for display and uniting multi-buy items, which is normally taken home with consumer	10%	30%	10%	50%
Grocery	Primary	Non-alcoholic beverages: Soft drinks and juices, including milk	10%	25%	20%	75%
Grocery	Primary	Alcoholic beverages (excl wine and spirits)	10%	25%	20%	75%

- Measure 9 suggests top-down MS waste reduction targets for all packaging with that must be met by reuse, either 5% (low ambition) or 10% (high ambition) by 2030 (based on 2018).
- As the target is based on weight rather than number of uses, it would be streamlined by material to avoid material switching.
- Commission guidance should be developed for the implementation of reuse systems.
- A CEN standard would be required as well.
- Advisory body is suggested to coordinate the development of reuse packaging systems.
- Labelling to be established for reusable packaging based on reusability criteria.