

10 November 2023

ECMA & Pro Carton reply to Commission proposal to revise the food waste and textile aspects of the Waste Framework Directive.

ECMA and Pro Carton welcomes the revision of food waste and textile aspects of the EU Waste Framework Directive. In this response, we will focus on these aspects. However, we are disappointed with the limited scope of the revision: Crucial issues such as the increased efficiency of waste management systems, higher quality secondary raw materials through separate collection and high-quality recycling have not been addressed. Therefore, we also raise our expectation on a future revision in our response.

We welcome the Commission's intention to prevent the generation of food waste both in primary production, in retail and other distribution of food, such as in foodservice and to reduce the environmental and climate impacts associated with textiles by improving their waste management. With our renewable and recyclable products and experience we are key contributors in both objectives. Paper-based packaging helps prevent food waste by prolonging the shelf life and preserving food throughout the value chain. Our members use wood-based cellulose fibres that are 100% renewable, recyclable and biodegradable reducing the use of fossil based components whilst focussing as a priority on the protection of the packaged food.

1. Paper packaging has a role in food waste prevention

To prevent food waste the Commission proposes different measures, both quantitative and qualitative targets set under article 9a. We fully support those targets, and we aspire to contribute to the prevention of food waste with our products. Nevertheless, we see that the imperative role of packaging in preventing food waste is not recognised in the proposed legal text.

Packaging has an essential function in protecting and preserving food throughout the value chain, extending the food lifespan¹, and preventing food waste² which contributes to resource efficiency³. It also safeguards consumer safety and provides crucial nutritional information, telling us how to safely store and prepare the food it contains. Paper-based products, particularly, contribute to expanding the shelf-life of products, especially in the case of pre-prepared food. In addition, packaging maintains the quality of sensitive products, such as milk and juices, which provide consumers with essential vitamins and nutrients. These can be lost if products are not properly treated or stored. This can be the case with the proposed reuse targets for these products as provided for in Article 26 (6), which could potentially lead to additional food waste.

The use of packaging and innovation in packaging has been identified as one of the recommendations of the European Citizens' Panel on Food Waste to speed up food waste reduction in the EU. For the above reasons we think that an additional provision should be added under paragraph 1 of article 9a; "supporting innovation in packaging, taking into account the important role of food packaging in the food value chain to prevent the generation of food waste and ensure food safety".

¹ Packaging's Role in Minimizing Food Loss and Waste Across the Supply Chain is well documented as in the often-cited publication in the International Journal Packaging Technology and Science by Verghese, Lewis, Lockrey and Williams.

² Helén Williams, Annika Lindström, Jakob Trischler, Fredrik Wikström, Zane Rowe, avoiding food becoming waste in households – The role of packaging in consumers' practices across different food categories, Journal of Cleaner Production, Volume 265, 2020

³ Packagingdigest.com – How to Balance Food Waste Versus Packaging Waste

⁴ Siroli L, Patrignani F, Serrazanetti D I, Chiavari C, Benevelli M, Grazia Land Lanciotti R (2017) Survival of Spoilage and Pathogenic Microorganisms on Cardboard and Plastic Packaging Materials. Front. Microbiol. 8:2606

Furthermore, a future revision covering all aspects of the Waste Framework Directive is imperative. With the following aspects of the Waste Framework Directive that should be addressed.

In its call for evidence for an Impact Assessment, the Commission notified its intention to optimise the efficiency of waste management systems, improve separate waste collection ensuring cleaner secondary raw materials, including by avoiding contamination of recyclable waste, support higher recycling rates and high-quality recycling and to halve the amount of residual (non-recycled) municipal waste by 2030.

1. Waste hierarchy: re-use and recycling should be complementary measures.

Re-use and recycling are complementary solutions to achieve circularity but have a different role and relevance on a case-by-case basis. The principle of life-cycle thinking should be considered when implementing the waste hierarchy.

The current Waste Framework Directive lays out that when applying the waste hierarchy, measures that deliver the best overall environmental outcome should be considered. This may require in specific cases that certain waste streams depart from the waste hierarchy, where this is justified by life cycle thinking on the overall impacts. Adopting a case-by-case approach and taking into consideration the current recycling and environmental performance of each material stream, should be preferred over setting horizontal targets. This is supported by the fact that, to identify the optimal solution for each situation, a life cycle approach must be adopted. Recent research⁶ compares the impacts of paper-based packaging as used today, with those of reusable plastic packaging, if 2030 reuse targets foreseen in the PPWR were applied. The study concludes that reusable solutions would yield higher CO₂ emissions than paper and board – up to 160% more carbon dioxide released into the atmosphere for food takeaway and up to 40% for e-commerce, as per the findings of a McKinsey article, also published and one of the sources of the research.

The waste hierarchy is used as the basis on which mandatory targets are set in other pieces of legislation, such as the Packaging and Packaging Waste Regulation. To avoid that the waste hierarchy is blindly implemented, it should be clear in the legal text that a life cycle approach should always be ensured, and that the hierarchy should not be implemented irrespectively. This would avoid situations where measures to address low performing materials would have a negative impact on systems that are well-functioning and contribute in the circular economy.

As well-established paper recycling capacities are in place in all Member States, their contribution to circularity should be duly recognized. When looking at the Material Circularity Indicator, published by the Ellen MacArthur Foundation in 2019, it is noticeable that recycling is as important for the circularity of the product as its reuse.

Fibre-based single use items that are made from sustainably sourced renewable and recyclable raw materials can provide the advantages compared to fossil-based single use items in terms of satisfying hygiene and safety requirements, while having an overall lower environmental impact and reducing waste, including food waste. Fibre-based single use items offer valuable material for recycling; 81.5%⁷ of paper and board packaging and 70.5%⁸ of all paper and board were recycled in the EU in 2020 and 2022 respectively.

⁶ <https://www.cepi.org/wp-content/uploads/2023/04/Impact-Assessment-reuse-targets-PPWR-FINAL.pdf>

⁷ Recycling rate of packaging waste by type of packaging, EU 27, Eurostat (2020). Available [here](#).

For ECMA and Pro Carton it is a priority to increase the already high recycling rates, improve paper collection, and ensure the high-quality of our secondary raw materials (Paper for Recycling). Together with wood from European forests and residues from sawmills, paper and board for recycling are the main raw material for paper and board production. In 2022, in Europe (EU27, UK, Norway and Switzerland) the total amount of paper and board collected and recycled in the paper sector was 54.9 Mt⁹, reaching a 70.5% recycling rate. 49.1 million tonnes of Paper for Recycling were used to make new paper and board products out of 54.9 million collected. Lastly, paper and board are an immediate alternative to fossil-based products, they exist on the market already to enable replacement of at least 25% of current fossil-based plastic packaging by 2025.¹⁰ Paper and board packaging fibres were used 5 or 6 times on average in 2022.¹¹ Several scientific studies show that paper fibres used in paper and board packaging can be recycled 25 times or more while maintaining the quality of the packaging produced.¹²

2. Paper recycling is high-quality recycling:

We support the optimization of recycling processes to achieve higher recycling rates and secondary raw materials of higher quality. Nevertheless, we deem important that when drafting a definition of high-quality recycling, to avoid setting unnecessary barriers in already well-functioning recycling processes, both in terms of environmental performance and high-quality output.

Recyclability and high-quality recycling should not be linked with closed product loop requirements but with the quality of recycled materials and their potential to substitute primary raw materials.

Closed product loop requirements (from product application to same product application) might be beneficial for the specific packaging format that are underperforming in terms of recycled content but would not make sense for other materials (like paper).

a) The requirement for closed product loops would be an unnecessary barrier to paper recycling without bringing any benefits and should be avoided. This will require increased transport of packaging for recycling within Europe in order to direct packaging to the specific mills for recycling, for example, from the South of Italy to the North of Finland.

b) Paper and board fibres being recycled in the paper loop (material loop) is high-quality recycling. Paper and board fibres can be recycled many times when they remain within the paper loop (not necessarily for the exact same application); their quality can be optimised, and the life of the fibre can be further extended. The paper and board industry has the advantage of being able to efficiently recycle together different types of paper products (used packaging, used printed products, even non-paper products) to produce a multitude of recycled products (packaging papers, printing and writing papers, tissue, others).

c) There is a well-established and well-functioning market for secondary raw materials in the paper and board industry. In 2022 in Europe 49.1 million tonnes of Paper for Recycling (secondary raw material) were used to make new paper and board products out of 54.9 million collected. Other material-uses of Paper for Recycling exist such as animal bedding, insulation material, however they do not count towards the paper recycling targets declared by the European Paper Recycling Council (EPRC).

⁸ Monitoring report 2022, European Paper Recycling Council. Available [here](#).

⁹ Monitoring report 2022, European Paper Recycling Council. Available [here](#).

¹⁰ 25% of plastic packaging equals to 4.5 million tonnes of plastics consumption reduction; baseline of 2019. According to Material Economics study this can be done without significant compromises on functionality and with significant benefit for climate change mitigation. <https://materialeconomics.com/publications/sustainable-packaging>

¹¹ Monitoring report 2022, European Paper Recycling Council

¹² On the performance capability of paper fibres.) In: Wochenblatt für Papierfabrikation. 6/2018, S. 350-357; Eckhart, René, Recyclability of Cartonboard and Carton. In: Wochenblatt für Papierfabrikation. 11/2021

3. Support measures for harmonised separate collection.

In the Inception Impact Assessment, the Commission identified an inefficiency in waste-collection systems, mainly due to local conditions and significant variation across the EU, and attributes low recycling rates and lower quality of recyclates for certain waste streams to this inefficiency. We support the Commission's intention to improve the separate collection of waste by clarifying and/or restricting the scope of derogations provided for in Article 10(3) of the Waste Framework Directive¹³, introducing minimum requirements for source segregation and separate collection of waste that facilitate high-quality recycling.

For the paper and board industry, the biggest barrier in further increasing recycling rates is the lack of implementation of separate collection at source of paper and board. Separate collection of paper ensures that fibres are not lost and return in the paper loop, and it enhances the quality of fibres by avoiding soiling of material from the source to the sorting line. By keeping material clean, the economic value of secondary raw materials increases, which in turn can support more efficient Extended Producer Responsibility schemes. Furthermore, overcoming the discrepancies found at the national and/or regional level will foster a reliable flow of Pfr both in terms of quality and quantity.

Cepi has developed a guidance on how to implement separate collection of paper and board¹⁴ and the Cepi vision on paper collection and sorting in Europe¹⁵ (see table 3). For paper and board separate collection does not only mean separate from the residual waste, but also from other recyclables, such as plastic, metal or glass. Within the guidance a detailed table is included indicating how different categories of paper and board should be collected and sorted to reach the suitable recycling process.

Thus, it is deemed necessary that separate collection of paper and board should be implemented across the EU as a baseline measure before considering any other additional targets, measures, and obligations to boost the circularity and recyclability of paper and board.

4. EPR fees based on net-cost principle.

We support the idea of using EPR fee modulation to facilitate and accelerate the transition towards a low carbon circular economy and keeping materials in circulation. Nevertheless, it is equally important that EPR fees paid by producers shall ensure that the costs of collection, sorting and treatment are covered in case these costs are not covered by the value of the respective secondary raw material obtained (net-cost principle) without cross-financing between materials. EPR fees paid by producers should not exceed the cost of the end-of-life treatment of their respective products. This way, material recyclability can be improved, as recyclability is a pre-condition for obtaining a valuable secondary raw material after collection and sorting. The existing Design for Recycling guidelines should also be taken into consideration for EPR fees. It is also important that any assessment of Design for Recycling should include consultations with the recycling value chain. The fibre-based packaging value chain has produced guidelines to specify and design paper-based packaging to ensure high-quality recycling.¹⁶

¹³ Directive 2008/98/EC of the European Parliament and of the Council on waste.

¹⁴ Cepi. Guidance on how to Implement Separate Collection (2020). Available [here](#).

¹⁵ Cepi. Cepi vision on paper collection and sorting in Europe (2020). Available [here](#).

5. EU-wide End-of-Waste criteria for paper not appropriate regulatory tool, instead the status of secondary raw materials needs to be clarified.

The paper and board industry do not deem necessary the application of an End-of-Waste (EoW) status for paper-based products, as it is not the appropriate regulatory tool to help increase the quantity and quality of PfR. As previously elaborated, the key in achieving EU-wide recycling targets set in waste legislation is increasing PfR collection. Paper and board packaging have already achieved one of the highest, if not the highest recycling rate, in the EU (81.5% in 2022¹⁷) without an EU-wide End-of-Waste application. A well-functioning internal market for PfR is already in place; 12 Mt of PfR have been circulated in the internal market in 2019, which is 22% of the total PfR collected¹⁸. Nevertheless, in case an EoW application for paper is in place, certain criteria should be met; the legal measure should clarify that final recycling of PfR only takes place at the paper mill, meaning that final recycling should be aligned with the current calculation point as provided for in Commission Implementing Decision (EU) 2019/1004.

Paper obtaining an EoW status should be paper that has been recovered from the waste stream, and has as such obtained secondary raw material status, but is yet to be recycled. This status of secondary raw material, between the point where secondary raw materials are diverted from the waste stream until the point, they are effectively recycled yet needs to be clarified and precisely described in order to achieve the internal market for secondary raw materials. This clarification should take into account the following aspects: *Secondary raw material is a material that has already been recovered (collected, sorted, cleaned) and is destined for a final recycling operation, without undergoing further reprocessing. If then the material shall be for direct use to such an operation, declared by a statement of conformity issued by the sorting plant and shall be compliant with international standard quality requirements (EN 643 in the case of paper) audited by an external independent verifier this material can be considered as a product under end-of- waste rules.* Last, PfR can only cease to be waste if it complies with the EN643 quality criteria and is sent directly to the paper mill for final recycling, this should be verified by a quality management system.

¹⁷ Monitoring report 2022, European Paper Recycling Council.

¹⁸ Cepi (2022). Annual Statistics 2020 European Pulp & Paper