

EUROPEAN COMMISSION PUBLIC CONSULTATION TO INFORM THE REVIEW OF THE REQUIREMENTS FOR PACKAGING & OTHER MEASURES TO PREVENT PACKAGING WASTE

A.I.S.E.'s accompanying document

18 December 2020

A.I.S.E. welcomes the work done by the European Commission via first the EU Plastic strategy and now the Green Deal to address the issue of pollution of the environment posed by plastic waste that is not properly disposed of. In this context, beyond developing its own overall strategy directly contributing to the EU and UN SDGs¹, A.I.S.E. supports the revision of the existing requirements for packaging and the consideration of other measures to prevent unmanaged packaging waste.

Concerning this matter, the Commission is exploring policy/regulatory action to ensure that by 2030 all plastics packaging placed on the market can be reused or recycled in a cost-effective manner. However, in 2019 A.I.S.E. launched an initiative on plastic packaging, and signatories commit to reach those goals already by 2025 – in addition to use a minimum of 20% volume of recycled plastic material in the packaging of all household products in the A.I.S.E. portfolio. After one year, the committed companies are almost halfway to reaching those ambitious goals², and these kind of voluntary industry initiatives tackling plastics pollution should continue to be considered and leveraged by the Commission. It is A.I.S.E.'s view and experience that in specific circumstances, industry association-led initiatives can reach policy objectives quicker than regulation. However, in case the European Commission is considering sector-specific targets for the use of recycled material in packaging, we invite the European Commission to consult with the industry first, in line with the Better Regulation principles.

Note to our contribution via the questionnaire: We want to point out relating objective 2 ("To limit and/or reduce the packaging waste generated across the EU"), that our answer is strictly referring to the limitation and reduction of packaging waste and NOT to packaging placed on the market.

Furthermore, A.I.S.E. believes that the revision should consider the following aspects:

EU wide action and safeguard of EU Single Market

As indicated in the questionnaire, A.I.S.E. calls for a revision that helps steering tangible progress, while stimulating innovation and competitiveness of the EU industry in a well-functioning Single Market, allowing free movement of packaging and packaged goods. National legislation with potentially distorting effects on the common EU framework needs a thorough assessment of its

¹<https://www.aise.eu/our-activities/sustainable-cleaning-78.aspx>

²<https://www.aise.eu/our-activities/sustainable-cleaning-78/circular-economy/packaging-2222/voluntary-industry-initiative.aspx>

compatibility with the objectives of the Single Market. The Single Market is the legal basis of the Packaging and Packaging Waste Directive.

Approach to the revision

A.I.S.E. calls for a set of measures that:

- Considers the importance of the packaging's function, which is key to avoid product leakage, to ensure safe use, to protect products during transport and to enable correct dosage and application, i.e. packaging is designed for a specific purpose with technical specifications and shall not be considered only as a waste after use.
- Is based on sound science and on the consideration of impacts across the full life cycle of the packaging, e.g. light-weight packaging allows considerable reduction of CO2 emissions during the transport phase but might not be considered as 'recyclable' in some countries.
- Considers a strategic allocation of public funding to support those market players being negatively impacted by some of the proposed measures and to foster the innovation needed to improve the market conditions, e.g. by
 - implementing harmonised modulated EPR fees, and ensure that the upcoming European eco-modulation guidelines are commonly interpreted and understood by all Member States;
 - investing in R&D to develop emerging recycling technologies, e.g. digital watermarking;
 - reducing subsidies for the use of virgin plastic materials and diverting them to the use of secondary raw materials;
 - a more strategic allocation of public funds to promote innovative technologies such as chemical recycling to create a broader sourcing base for secondary raw materials.
- Is developed in a consistent and coherent way with all existing (and applicable) legislation and with the other measures being developed by the EU Commission, e.g. parts of the Green Deal such as the Circular Economy, Industrial Strategy, etc.

Specific targets, measures, and policy objectives

A.I.S.E. welcomes the consideration of a requirement that all packaging should be reusable or recyclable and, above all, that the Commission aims to provide an enforceable definition of 'recyclable packaging' and minimum quality standards for recyclates.

- A.I.S.E. calls the Commission to avoid including targets, especially at specific material or packaging formats. This would unfairly favour certain actors on the market over others and hinder investments in innovations to move towards new technologies and developing new recycling streams.
- Moreover, the setting of recycled content targets is not only highly dependent on materials used and their existing material flows but also on the products contained, as some products require material qualities which cannot yet be delivered by recycled plastics (i.e. requiring high stress-crack resistance).
- Thus, there are limitations by currently available quantities and qualities of secondary raw materials as well as by the fact that manufacturers have different product portfolios.

- Should the Commission decide that setting targets for recycled content is essential, then these should be set as 'minimum content' that is achievable across a sector. In this context, we want to refer the Circular Plastics Alliance (CPA), which is a voluntary industry commitment to actively contribute to delivering on the declaration of the alliance, i.e. 'take action to boost the EU market for recycled plastics up to 10 million tonnes by 2025'. The CPA covers the European plastics value chains with more than 240 signatories, incl. A.I.S.E.
- Restriction on the use of some packaging materials to certain applications shall be avoided as this would hinder innovation and could be difficult to ensure that niche applications/B2B specific applications are covered adequately.
- We ask the Commission to not exclude or favour the use of a specific material solely based on its sourcing, e.g. bio-based plastics, but to assess the full material life cycle and its circularity potential.
- For reusable packaging and a possible inclusion of refill quotas, A.I.S.E. asks the Commission to consider a reuse of packaging not only in terms of the related costs or whether it is "logistically feasible", but to evaluate all impacts along the supply chain using life cycle assessment studies, and to consider especially consumer protection through product safety and hygiene.
- A.I.S.E. calls the Commission to consider country level taxes on single use packaging only if the respective money is used for the set-up and modernisation of the recycling infrastructure to boost the circularity of plastics in the respective country. Moreover, double taxation (on top of contributions for EPR schemes) must be avoided.
- Stakeholders should be involved; all technical expertise already available shall be considered when developing a definition for 'recyclable packaging', following the example of the Circular Plastic Alliance³.
- Legal and quality requirements for packaging must be fulfilled.

Barriers that should be addressed

A.I.S.E. believes that the limited competitiveness of secondary materials is one of the key areas of focus to progress on the overall objectives of this initiative. To do so, A.I.S.E. considers essential:

- Sufficient material availability, meaning that high quality recycled plastics material must be available in sufficient quantities to all market players.
- Sufficient material quality, meaning that the consistency of quality is guaranteed by recycled plastics material producers to ensure performance up to the industry standards.
- Sufficient material sourcing, meaning that good quality recycled plastics material is available from credible sources of supply.
- Harmonisation of the collection and recycling systems across member states to ensure availability and quality of secondary raw materials and that there are no limits on cross-border shipments. In this context, A.I.S.E. also wants to refer to the position of the Packaging-Chain Forum on the fragmentation of the EU Single Market for packaged

³ <https://ec.europa.eu/docsroom/documents/42362>

goods⁴, observing a worrying trend of national provisions where divergent national measures are being implemented by some Member States in the context of EU packaging policies (e.g. recent local legislation introduced in France and Italy). Those risk further erosion of the very fundamental principles at the basis of the Single Market.

- Legislative coherence and elimination of regulatory barriers preventing the use of recycled materials in packaging.
- Corresponding policy actions to enable use and ensure access to materials.
- Sufficient time to implement those measures, which are needed to reach the goals and objectives.

A.I.S.E. notes that the effectiveness of any legislation will also be highly dependent on the cost of recycled plastics material compared to the one of virgin plastics material. This will be influenced by the fact that the essential market conditions listed above will come into place.

⁴www.aise.eu/newsroom/aise-news/european-packaging-chain-forum-call-for-integrity-of-the-single-market.aspx