

KEY SPECIFIC ASKS FOR THE PACKAGING AND PACKAGING WASTE REGULATION

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INTRODUCTION

This document provides FoodDrinkEurope's key recommendations for policymakers voting to adopt the Packaging & Packaging Waste Regulation (PPWR) to ensure that circularity goes hand-in-hand with innovation, competitiveness, and food safety in line with the EU's climate neutrality ambition. See FoodDrinkEurope's guiding principles [here](#).

FOODDRINKEUROPE'S SPECIFIC KEY ASKS FOR THE PPWR

Article 3 – definitions

- **Article 3: recycled at scale**

→ **OUR KEY ASK: FoodDrinkEurope supports the European Parliament's ITRE Committee [opinion](#) that compliance with the 'recycled at scale' definition should start from the adoption of the delegated act setting recyclability criteria, and ensuring that there is appropriate time between recyclability of packaging and recyclability at scale.**

The geographical scope of industrial sorting and recycling must be EU wide. Collection will take place in each country, but – to maximise efficiency – sorting and/or recycling could happen in any country through well-established infrastructure. The absence of sorting or recycling facilities in a single Member State should not constitute a sufficient reason to determine the non-recyclability of packaging in the Single Market overall. For this reason, it is fundamental that the definition for 'recycled at scale' is applicable once a series of conditions are met:

- The availability of collection, sorting, and recycling infrastructure of Member States is improved consistently and in a harmonised manner across the European Union;
- The deadline for establishing collection and sorting infrastructure with appropriate capacity should come before the deadline for recyclability at scale.

- **Article 3: high quality recycling**

→ **OUR KEY ASK: the definition of 'high quality recycling' should not depend on article 6 and should not constitute a sustainability criteria in itself**

The Draft Report of Rapporteur MEP Frédérique Ries proposes to connect the definition of 'high quality recycling' with a closed-loop recycling system for all packaging materials. According to this definition, this proposal would preserve the value of the material with minimal loss in quality and functionality, and avoid downcycling of valuable material into other applications (e.g. food-grade PET into textile).

However, when it comes to food grade applications, not all food packaging materials can undergo a closed-loop recycling system. While PET, glass, and metal cans can adapt to a

closed-loop system with the help of mechanical recycling, for certain types of contact-sensitive plastic packaging (e.g. flexible plastic, which represents 50% of the packaging used to protect food products), closed-loop recycling could be considered only in the presence of well-established and widely available chemical recycling infrastructure around Europe, which is currently lacking. For some other packaging (e.g. paper packaging in contact with food) closed-loop recycling is not an option for hygiene reasons.

Without proper recycling technologies, valuable contact-sensitive plastic packaging used for food application risks *de-facto* prohibition if forced to be recycled through unsuitable processes. It is therefore important that the definition of 'high quality recycling' is considered as an ambition for the European recycling industry when technically feasible and environmentally beneficial, rather than a market access condition for all packaging materials.

Article 5: Alignment with Food Contact Material Regulation and Requirements for substances in packaging

→ OUR KEY ASK: the PPWR should not overlap with legislation that already regulates substances of concern in packaging materials

It is important that the requirements in the PPWR for safety substances compliance align with existing legislation and that it does not lead to regulatory overlaps and confusion. In fact, the European Commission is already entitled in the General Food Law and in the Food Contact Material Regulation, Plastics Regulation, and under REACH, to take measures for substances of concern in packaging materials which primarily affect human health.

If the PPWR provides specific measures for the European Commission to present a proposal to restrict substances of concern (e.g. PFAS, which is already undergoing a restriction process under REACH or BPA) in packaging, it would create legal uncertainty for operators on which rules to follow, leading to a double regulatory burden.

Article 6: recyclable packaging

- **Appropriate transition period for redesigning of packaging:**

→ OUR KEY ASK: FoodDrinkEurope supports the European Parliament's ITRE Committee [opinion](#) that a 5 year transition period from the adoption of the delegated act is an adequate timeline to allow business to comply with recyclability criteria set through the delegated act. Such a transition period should also be applicable when novel packaging and recycling technologies become available and the food and drink industry is forced to adjust accordingly.

The PPWR sets new Design for Recycling conditions to make all packaging recyclable by 2030, according to criteria to be established through delegated acts. Redesigning packaging takes time and involves significant resources. Sufficient transition time should be granted between the release of the EU Design for Recycling guidelines and their entry into force to enable manufacturers to do the required tests (e.g. shelf life and quality tests critical for food contact materials and performance tests on machines).

The Draft Opinion of MEP Frédérique Ries introduces a 2027 deadline for the European Commission to present the delegated acts. While FoodDrinkEurope supports the intention of providing clarity, a delay in the release of the delegated acts may lead to a reduced timeline for implementation. Since delegated acts could be presented later than planned, it is paramount to give business a predictable timeline.

- **Investment in sorting and recycling infrastructure all across the European Union**

→ **OUR KEY ASK: FoodDrinkEurope supports ENVI AM 1231 that ensures Member States are responsible for comprehensive collection and sorting infrastructure**

The PPWR should oblige Member States and public authorities to invest sufficiently in sorting and recycling infrastructure, supporting innovation, and new recycling technologies. Even if packaging is redesigned, it still needs to be collected and sorted to be properly recycled. Since the quality of waste infrastructure varies across the EU, the PPWR needs to set stricter deadlines to bring all Member States to the same capacity level, aiming at banning landfill in the long term.

- **Ensure experts are consulted over the development of secondary legislation**

→ **OUR KEY ASK: FoodDrinkEurope supports the European Parliament's ITRE Committee [opinion](#) to establish a packaging forum of experts for the development of technical secondary legislation**

Article 7: recycled content and new recycling technologies

The creation of an EU market for secondary raw materials is a precondition for the greater uptake of recycled content in plastic packaging. For this to happen, we support the following conditions proposed in several tabled amendments at the European Parliament's ENVI Committee and the recently adopted Opinion of the European Parliament's ITRE Committee.

- **Responsibility**
Currently, the PPWR does not specify who should be responsible for achieving the targets within the supply chain. To avoid serious disruptions in the dynamic among economic operators, FoodDrinkEurope suggests setting the targets on producers.

→ **OUR KEY ASK: FoodDrinkEurope supports the European Parliament's ENVI Committee Amendment 1101**

- **Difference between 'plastic part in packaging' and 'plastic packaging'**
In the PPWR, the terms 'plastic packaging' and 'plastic part in packaging' are used interchangeably, which could create confusion¹. Only the term 'plastic packaging' should be used throughout the whole text. In the tabled amendments in the European Parliament's ENVI Committee, there are some suggestions to use the definition of plastic packaging

→ **OUR KEY ASK: FoodDrinkEurope supports the European Parliament's ENVI Committee Amendments 633 – 639**

- **Calculation methodology: targets on producers should be applied per average of plastic packaging placed on the Union market.** MEP Frédérique Ries's Draft Report proposes a calculation per packaging format, per manufacturing plant, per year. This is a first step in the right direction compared to the European Commission's initial proposal, but it remains problematic for the following reasons:
 - 'Per format': setting the same minimum percentage of recycled content for thousands of different formats based on the list of indicative packaging formats in Table 1 of Annex II would be extremely challenging, as the list is not precise. In fact, 'format' is not formally defined in the PPWR.

¹ For instance, plastic packaging is mentioned in the title of the article, as well as in Article 7.1(d), 7.2(a) and 7.2(c), while "plastic part" remains in Article 7.1 and 7.2

- ‘Per plant’: Typically, companies do not produce each brand in each plant, as it would be technically inefficient. Therefore, setting the recycled content targets per plant rather than per producers in a Member State would *de facto* oblige manufacturers to incorporate recycled content in most of their brands (including the most affordable ones), thus creating a price pressures in a time where consumers are already experiencing food price inflation. This is why the alternative wording proposed in the European Parliament’s ITRE Committee opinion provides a sufficient level of flexibility while ensuring the same level of environmental protections.
- ‘Environmental advantage’: There is also no evidence that having a target on unit or manufacturing plant leads to a better environmental impact compared to an average target (the same amount of recycled plastics is used in both cases).

→ **OUR KEY ASK: FoodDrinkEurope supports the calculation set at per average of plastic packaging placed on the Union market as stated in the European Parliament’s ITRE Committee Opinion**

- **Uptake and unlock recycling technologies:** Chemical recycling allows the use of plastic waste, especially feedstock, not suitable for mechanical recycling, to produce new materials like plastics. As such, it can deliver additional material for a large number of applications, such as certain types of contact-sensitive packaging. Therefore, it is paramount that the PPWR sets a new calculation method to allow the uptake of these new technologies with an EU-harmonised mass balance method similar to that which is currently proposed under the Single Use Plastics Directive, to ensure consistency between the two legislations. This should be achieved as early as possible to foster investments in the technology and secure sufficient volumes by 2030, for which investments should already start.

→ **OUR KEY ASK: FoodDrinkEurope supports the European Parliament’s ENVI Committee Amendments 1251-1252**

- **Priority access for PET recycled material:** Without the necessary support on feedstock access, the recycled content targets proposed in Article 7 will be extremely challenging to achieve for the obliged industry, even more so for SMEs. Allowing unconditional access to food-grade PET content to non-food sectors, which do not need food-grade quality, disincentivises them from investing in collecting and recycling their own materials.

→ **OUR KEY ASK: FoodDrinkEurope supports the direction taken by ENVI AM 2312, 2476-2478 and Article 6.7(a) of the ITRE Opinion with further assessment needed**

Article 26 and 27: reuse and refill

The reuse measures of the PPWR to reduce packaging should pay appropriate attention on aspects such as food safety, environmental performance, and logistic issues, which were not taken into consideration in the European Commission’s impact assessment. For this reason, FoodDrinkEurope suggests the following considerations:

- **Scope of reuse targets**
Reuse provisions should not be arbitrarily expanded without a proper impact assessment. Product categories that have not been assessed by the European Commission in its impact assessment should not be added during the legislative process where it would be difficult to gather sound data and evidence. Legislation should always be developed on the basis of clear and granular data to assess the costs and benefits of the measures being proposed. FoodDrinkEurope is concerned

by proposals setting increased reuse and refill targets or an expansion of the scope without further impact assessments to justify them.

→ **OUR KEY ASK: the PPWR should develop reuse provisions on the basis of clear data**

- **Competition over fairness of trading practices**

The Draft Report of MEP Frédérique Ries proposes reuse targets for the final distributor. This proposal raises a competition risk because having final distributors uniquely in charge of reaching reuse targets provides a level of control on reuse facilities that could impact the fairness of trading practices. The proposal should take this into account.

→ **OUR KEY ASK: the PPWR must ensure fair trading practices and multiple choices to consumers**

- **Exemption for transport packaging in contact with food**

Certain types of packaging cannot be substituted with reusable options without compromising food safety. For instance, in the food sector, large thick plastic bags are used sometimes to transport bulk amounts of finished food to an operator that then packs it into individual sales packaging. In some instances, reusing those bags would pose a high risk of contamination and cross-contamination of allergens, for instance when such a bag is used for food containing nuts and is reused for another food that is not supposed to contain nuts. This is fundamental to protect consumers from risks of allergens exposure.

A solution would be to line the bags with an additional single-use plastic bag to enable the outer bag to be reused, but this would increase the total amount of plastic packaging used. As the European Commission's impact assessment did not evaluate the food safety risks of reusing transport packaging in direct contact with food in its impact assessment, FoodDrinkEurope urges EU policymakers to exempt such packaging from the transport packaging reuse provisions.

→ **OUR KEY ASK: FoodDrinkEurope supports the Amendments proposed in the European Parliament's AGRI Committee [Opinion](#) on paragraph 12 and 13, and also tabled Amendments 2043, 2044 and 2074 in the European Parliament's ENVI Committee.**

- **Calculation methodology for reuse**

The PPWR should set forth a calculation per units of sales, volume or equivalent units for reuse targets. Though a calculation based on units may be relevant for some reusable packaging, it is not relevant in the case of a refill system. In that case, the volume of the product purchased or consumed, which can be calculated per equivalent unit, will need to be taken into account. This will also ensure that all packaging formats covered by the scope of the targets are treated equally.

→ **OUR KEY ASK: FoodDrinkEurope supports the European Parliament's ENVI Committee Amendment 2167**