

## **Rethinking Packaging: An overview of the key principles that should guide the revision of the Packaging and Packaging Waste Directive and the Essential Requirements for packaging**

*This paper forms part of PlasticsEurope's response to the European Commission's public consultation to inform the review of the requirements for packaging and other measures to prevent packaging waste. It should be read as part of our questionnaire response.*

### **Key messages**

- PlasticsEurope welcomes the revision of the Packaging & Packaging Waste Directive as a critical moment to harness the power of the internal market to lead to an increase in packaging reuse and recycling, optimisation of design, and material use (e.g. amounts and types of feedstock);
- We support policy options to: identify areas where packaging is critical; define 'recyclability' using a qualitative statement; and provide guidance on effective and safe reuse and recycling systems by reference to a CEN standard and best available technologies;
- The revised EU harmonised framework for packaging should ensure strong enforcement, the respect of the single market principles and a clear, consistent and evidence based legal framework to support industry's circularity and carbon-neutrality transition.

### **Introduction**

PlasticsEurope, the association of European plastics producers, supports the sustainable growth strategy as outlined in the European Green Deal, and the decoupling of economic growth from resource use. We support the ambition set out in the EU Circular Economy Action Plan (CEAP) 2.0 for all packaging to be reusable or recyclable by 2030 in a viable and cost efficient manner. We therefore welcome the forthcoming revision of the EU's Packaging & Packaging Waste Directive (PPWD) to make it fit for the purpose of achieving this ambitious and necessary targets.

### **Objectives of the PPWD revision**

Our members are committed to playing their part by continuing to find and implement the solutions and new business models to achieve plastic packaging circularity challenges faced by the plastics packaging value chain.

At the same time, we call for the adoption of effective and harmonised rules which will support the role of plastic packaging as an enabler of circularity and a low CO<sub>2</sub> future. In our view, this requires an approach encompassing the products' full lifecycle including measures guiding the design phase, clearer labelling, harmonised and improved collection and sorting, and development of new sorting and recycling technologies together with accompanying end markets for recycled materials all underpinned by Life Cycle considerations.

This must be accompanied by effective and workable Extended Producer Responsibility (EPR) systems and a clear investment framework for supporting innovation and the development of the required infrastructure to meet the Circular Economy Goals for recycling.

From our perspective, the PPWD legislative revision should stimulate new packaging design choices including volume and weight reduction, reuse and recyclability as well as the progressive increase in the use of recyclates.

### **Waste Prevention**

## Key issues

While we agree that there is ample room to improve the sustainability of packaging, we urge the Commission to look at the prevention of packaging waste at the same time as ensuring the best protection of the packed goods as the key drivers for new packaging requirements. Successful achievement of the Green Deal's climate targets requires consideration of the significant savings provided by light weight plastic packaging in terms of material use, reduced transport emissions while at the same time ensuring excellent functionality, e.g. safety, hygiene, shelf-life extension, etc. We therefore believe that the amounts (i.e. weight) of packaging placed on the market as well as the type of materials, material combination or polymer used should not be seen in isolation from the packed product. If prevention is seen instead through the lens of the packaged product's life cycle, changes to the PPWD could achieve even greater GHG savings. Thus, life cycle assessment or robust scientific findings should determine which type of material, material or polymer combination or no material should be used to achieve the required functionality and in order to avoid regrettable burden shift.

## Policy options

PlasticsEurope supports the Commission's objectives to:

- limit the volume and weight of packaging necessary to perform its function. This could be achieved through the harmonised definition of under and over-packaging; and
- secure a transition to reusable and recyclable packaging solutions ensuring that such measures do not result in unintended adverse effects on the environment and human health. A holistic approach may support this goal, by assessing the overall environmental footprint of the packaging together with the packaged goods. In our view, this critical assessment should also look at other legal requirements such as those on function, hygiene, safety and legally required information.

This granular approach which looks at the packaging together with the goods to be packed helps identifying the cases where packaging could be avoided and goods could be sold loose, or also where size prescription could represent an effective and viable solution. Such specific assessments would prevent possible unintended and regrettable environmental consequences.

For packaging to serve waste prevention goals, an **EU harmonised internal market conformity assessment and consistent and effective market surveillance mechanisms** are indispensable. Once packaging is compliant with the essential requirements and compliance is assessed in consistent ways, then its market access and free circulation should be ensured, preventing undue hindrances.

## **Reuse**

### Key issues

In the CEAP 2.0, the Commission notes its intention to drive design for reuse of packaging as this can support a reduction in packaging waste generation and could lead to decreased GHG emissions. We support the reuse of packaging where this triggers waste prevention and is overall environmentally beneficial and meets hygiene standards.

Thanks to its versatility and durability, reusable plastic packaging is already widespread in industrial, consumer and commercial applications<sup>1</sup>. Nevertheless, the possibility and the benefit of choosing reusable packaging should be considered on a case-by-case basis taking into account the nature of both the packaging and the packed product and in view of environmental, hygiene and consumer safety requirements.

## Policy options

PlasticsEurope supports the adoption of a harmonised definition of effective reuse systems through reference to a European standard. The same degree of rigor should be applied into the definition of reuse and refillable as for recyclable packaging. We recommend that the Commission carries out careful analysis to identify where reusable systems may reduce overall packaging waste without having unintended consequences such as net increases in GHG emissions or damage to or losses of packaged goods, safety, hygiene etc. Reuse should be defined on the basis of a dynamic approach that allows innovative solutions and adaptation over time with a view to optimising the environmental footprint of packaging that is suitable for multiple rotations.

## **Recycling – Definition of recyclability and use of recyclates**

We recognise the challenges to be overcome in order to make all plastics packaging reusable or recyclable by 2030. We understand the need for these ambitious goals and our members are taking steps, in collaboration with the rest of the plastics packaging value chain, to meet these targets and ensure that this equates to environmental benefits and resource savings.

## Key issues

In the CEAP 2.0, the Commission emphasises its intention to consider measures to drive design for the reuse and recyclability of packaging, including by defining what is meant by 'recyclable'. It also states that the incorporation of recycled content in packaging is a key step to optimise the use of natural resources and cut emissions.

We agree that plastics packaging must contribute to circularity and become reusable or recyclable in a cost effective manner by 2030 by means of all recycling technologies, such as mechanical, organic, dissolution and chemical recycling. We also acknowledge that recyclates must become as attractive as virgin raw materials. For this to happen, the industry will continue to innovate and work to overcome barriers. Furthermore, the legislative framework should be fit for innovation and support new technologies' scale-up. The definition of recyclability and conditions to use recycled materials should mirror these elements.

## Policy options: *Defining Recyclability*

PlasticsEurope believes that packaging shall meet the following requirements in order to be considered recyclable:

- It is designed to meet the requirements of harmonised EN/CEN/CENELEC<sup>2</sup> standards developed to define the qualities of packaging waste and output materials for recycling into valuable products;

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<sup>1</sup> Food storage containers, fuel cans, product concentrates for dilution into trigger spray, pens (refills), refillable dry goods, document wallets, ink cartridges, plant pots and trays, cleaning products, Industrial/B2B transportation packaging (crates, drums, etc.).

- It is collected for recycling<sup>2</sup>;
- It is sorted and aggregated into defined streams;
- These streams can be processed by readily available recycling processes and converted into valuable products. These readily available recycling processes will be defined by EU Waste Framework Directive 2008/98/EC Art. 3 (17) or by reference to best available technologies<sup>3</sup> that will be periodically updated to take into account the evolution of packaging design, material innovation, collection, sorting, recycling technologies, etc.<sup>4</sup>;
- Packaging placed on the market that requires new infrastructure or sorting/recycling technologies under development that will meet the previous requirements within a reasonable timeframe, should be considered as recyclable packaging.

### Policy options: Use of Recycled Content

PlasticsEurope believes that design requirements to boost the use of recycled materials would require specific enabling conditions such as:

- Improvements in the amount and quality of waste collection and sorting to ensure the consistent production of critical masses of recyclates;
- Recycled content must meet the standards and specifications required by the market;
- Regulatory support for the uptake of new recycling technologies such as chemical recycling;
- Legal recognition of a clear and EU harmonised chain of custody model rules (such as mass-balance) to define the use of recycled content originated from recycling technologies;
- Recycled content rules and requirements should apply to all packaging materials to avoid risks of material substitution with potential detrimental environmental impacts;
- Rules on the use of recycled content should be developed, taking into consideration the requirements of product groups, their market size as well as their applications (e.g. food contact);
- The Waste Shipment Regulation review to support intra-EU shipments of waste and to enable a single market for recyclates.

The plastics industry is working hard to address this challenge through joint value chain initiatives such as the Circular Plastics Alliance (CPA). The results of the CPA should pave the way to assess the possibility to adopt rules for the use of recyclates without affecting the quality of packaging and preventing adverse effect on the environment as well as safety and health of consumers.

### **Internal market & harmonisation for packaging and secondary raw materials**

#### Key issues

One clear and consistent framework for packaging, packed products and secondary raw materials across the EU Single Market remains critical to European industrial competitiveness and the industry's ability to innovate at scale and provide solutions to deliver on the EU Green Deal and the CEAP 2.0. Our members are committed to the circularity journey. Innovations to deliver on a

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<sup>2</sup> E.g. Collecting and sorting standard under development in CEN/TC 261; standards on characterisation of recyclates under CEN/TC 249, EN13432.

<sup>3</sup> Described within a separate and regularly updated guidance document.

<sup>4</sup> This will put requirements on the packaging design, being part of the relevant standards.

circular economy will take a number of years, likely involving policy changes to drive this position. However, this policy must be clear, consistent and harmonised across Europe.

National measures imposing bans or other restrictions such as reduction targets for specific products or materials are the most restrictive measures that can be adopted from an internal market perspective. They must be carefully and duly scrutinised by the Commission to ensure they are necessary and proportionate to the environmental objective pursued and do not infringe the principle of free movement of goods.

### Policy options

We call on the European Commission to:

- Set clear and harmonised rules and ensure correct transposition, implementation and enforcement;
- Harmonise the requirements aimed at promoting packaging circularity. EU market distortions and differing visions for the future of packaging can prevent or hinder industry's circularity innovations.

Please contact:

Antonello Romano  
Senior EU Policy Adviser  
[antonello.romano@plasticseurope.org](mailto:antonello.romano@plasticseurope.org)  
Mobile +32 (0)493 40 17 20