

## **Attachment 2 to the Joint Letter Austria, Denmark, Luxembourg, Netherlands, Sweden**

### PROPOSED POLICY OPTIONS

#### Overall

We believe the **waste hierarchy** should be the **key guiding principle** and should play a central role in the revision of the Packaging and Packaging Waste Directive:

#### **1. Prevention should always be the first step**

- **Unnecessary (over)packaging should be prevented.** Therefore, clear requirements should be established that determine when packaging is required and the minimum packaging needed to provide the necessary levels of safety, protection and hygiene in relation to the market reference packaging.
- We consider targets to be important measures for waste prevention and, therefore, we ask the Commission to set an **ambitious target for reduction of packaging at the EU-level.** We would also like to highlight that targets on waste reduction might cause an effect of shifting to lighter materials for packaging but with a higher environmental impact, which needs to be prevented. The reduction target could therefore benefit from additional measures that for example prohibit to shift to alternative packaging with a higher environmental impact.
- Packaging design criteria should be **ambitious and legally binding** for all Member States and should apply regardless of the source of the raw materials. The design criteria should be harmonized and adopted through implementing acts or direct regulations.
- We wish to see **a review/ an adjustment of the current essential requirements.** The essential requirements should lead to a shift in eco-design level towards the most efficient packaging regarding environmental and safety criteria, e.g. by deleting: 'acceptance for the packed product and for the consumer' in the current text.

#### **2. Re-use is an important route of prevention.**

- In order to ensure that all packaging on the EU market is reusable or recyclable in an economically viable way by 2030, as foreseen in the Green Deal and the New Circular Economy Action Plan, we call on the Commission to set **mandatory re-use targets** for specific product groups.
- Concerning the definition of re-use, we point out the absolute importance of making a clear **distinction between re-usability and actual re-use.** Re-usability is not enough. Only packaging that is re-used in practice and where the numbers of rotations exceeds a certain minimum level, prevents the use of new materials and the emergence of waste.
- We call on the Commission to ensure that proper analyses of material flows are carried out in order to establish the packaging flows that contain the largest re-use potential. The potential must at least be analyzed in the take away and delivery sector, and the sales of bulk foods in retail, as well as for product flows that already have logistic infrastructure (bottles, food box subscriptions, e.g.) and e-commerce. We ask the Commission to take further action based upon the analyses results.
- We see merit in **standardization and normalization in relation to re-usable packaging.** Though it would not be part of the Directive itself and rather be voluntary in nature we think the **development of supportive standards** is necessary, e.g. for the design of the reusable packaging itself, for washing facilities and return systems. Such standards should further strengthen the re-use business as it would lead to a more harmonized and accepted infrastructure for the end-consumer.

#### **3. Steer towards high quality recycling**

- When packaging becomes waste at the end of the life-cycle it should be recycled. Therefore we ask to set **measurable and ambitious targets on the recyclability of packaging** with an end goal of all packaging to be recyclable in 2030.

- When considering recyclability, it is important that packaging **is recyclable within an existing recycling scheme** and not only in theoretic or future schemes. The packaging as a whole should allow for efficient separation and processing, with existing technologies. Equally, the packaging design should facilitate collection and (easy) detection by automatic sorting machines. For recycling schemes that are under development, a limited period of transition or for reaching a certain level of maturity could be set.
- **The essential requirements should steer towards high quality recycling**, meaning that the recycled material can replace virgin material when creating a similar product, in order to avoid down-cycling.
- Especially on **plastic and composed packaging** we ask the Commission to **establish clear and detailed harmonized rules for recyclability**. We would like to underline that policies aimed at plastics might lead to the use of more packaging composed of different types of materials, which have a clear risk of being worse from an environmental and recyclability point of view, and should be prevented.

#### 4. Future plastic packaging should contain a certain minimum amount of recycled content.

- The formulation of a minimum requirement on recycled post-consumer content in plastic packaging will strengthen the market for secondary raw materials. We would therefore favor a mandatory recycled content percentage for at least certain plastic packaging.
- The obligation of mandatory post-consumer recycled content should also be accompanied by **methods on how to determine recycled content**. This is especially true for products using a mass balance method or products which are imported into the EU.

In addition to those four steps of the waste hierarchy, we would like to bring the following topics to the Commission's attention:

- We would like to ask the Commission to look for ways to improve the **consumer information** on packaging with respect to its recyclability, recycled content and reusability.
- **Separate collection** shall be carried out in such a way as to enable preparation for re-use or high-quality recycling. The expansion of separate collection, taking into account member states' existing waste infrastructure, ensures high-quality recycling. Sharing Members States' best practices should be aimed for.
- Furthermore, we would favor to explore the possibility of establishing a minimum level of waste **sorting rules** applicable to the whole Union.
- It should be safeguarded that the revision of the Packaging and Packaging Waste Directive is harmonised with the revision of the EU rules on food contact materials, taking into account the need for re-using and recycling food packaging.
- **Eco-modulation** of fees in EPR schemes should be fostered and is a very promising tool to provide producers with a financial incentive to improve the recyclability and reusability of packaging. We call upon the Commission to support Member States by sharing best practices on eco-modulation and formulating guidance.
- We urge the Commission to establish **better rules and controls** for packaging entering the Union directly to the end user (e-commerce). In particular, better reinforcement regulation that facilitates cooperation across the Union should be prioritised and tools to take legal action against corporations that are not complying should be in focus.