Raising standards for consumers

POSITION PAPER

ANEC position paper on revised EU Rules for packaging and packaging waste

Contact: Michela Vuerich – mvu@anec.eu

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The European Consumer Voice in Standardisation aisbl

Rue d'Arlon 80 – 4th Floor - B-1040 Brussels, Belgium
T: +32-2-7432470 / anec@anec.eu / www.anec.eu

SUMMARY

ANEC welcomes the proposed regulation on packaging and packaging waste, as it will provide consumers with more convenient options for reducing their packaging waste.

ANEC agrees with the choice of a regulation as the legal instrument as it will ensure equal implementation across Member States, unlike a directive. We welcome that it places emphasis on prevention and reuse, information requirements, mandatory deposit return systems, and the 90% objective for large household appliances to be delivered in reusable packaging by 2030.

Nevertheless, we see several areas for improvement:

Prevention targets for (unnecessary) packaging must be more ambitious if we are to avoid a forecast increase in waste.

The lack of restrictions on harmful substances is a serious concern, given these are a precondition for the reuse and recycling targets.

The initiative focuses heavily on recyclable packaging and recycled content in plastic packaging. While safe recycling can play a role in achieving the circular economy and save resources, ANEC believes that the proposed regulation should be first and foremost more ambitious in terms of preventing (especially avoidable) packaging waste, and restrictions on harmful substances in packaging. Only then can the targets for reuse and recycling be truly beneficial for the environment and consumers. It is crucial for the next steps of the revision process to follow more firmly the waste hierarchy, and assess the impact on health and environment of the measures taken.

High ambitions for recycling require measures/requirements for the minimisation or phase out of hazardous substances in packaging materials, and possibly also objectives for improvement of the quality (e.g. decrease or absence of hazardous substances in packaging materials). With these ambitions missing, the quantitative objectives for high-recycling rate risks an incentive to achieve low-quality recycling and an increase in contaminated recycled materials, resulting in increased exposure of humans and the environment.

ANEC believes prevention of packaging waste needs to remain the primary goal of legislation. Reuse systems should be prioritised over single-use packaging, where environmental impacts in the life-cycle are lower than for the single use packaging, with standardised formats and hygiene requirements to ensure consumer trust in safety. Finally, recycling should play a role only if it is sensible for the environment and human health, and should not be the sole or preferred way to attain circularity.

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Introduction
ANEC's broad assessment of the proposal

ANEC welcomes the proposed Regulation, as the improvements put forward should help provide convenient choice to consumers in reducing their packaging waste. It proposes important requirements on prevention and reuse, in line with our position.

Nevertheless, we regret the initiative promotes recyclable packaging and use of recycled content in plastic packaging. We also expected prevention and reuse targets to be more ambitious, and first of all for there to be further restrictions on substances of concern in packaging. This is a crucial precondition, especially for packaging to which consumers are exposed (food, drinks etc.).

Prevention and reuse targets should be based on technical studies (reviewing all the relevant types of materials and uses). Reuse should be prioritised if environmental impacts – considering the overall life cycle – are lower than for single use packaging. In addition, reuse packaging should be developed to take into account its durability and recyclability at the end of its life.

While we favour material-neutrality for this regulation, it is important to note the advantages of inert materials from a consumer safety perspective.

It is crucial in the next steps of the revision – as for all Circular Economy measures – that actions reflect the waste hierarchy and the assessment of health and environmental impacts.

We have criticised how the present Directive's core requirements are too ambiguous, do not provide clear guidance to business, and are therefore challenging to enforce. We are glad to note in the proposal that the Regulation would be implemented by delegated acts in conjunction with European standardisation. Nevertheless, we urge key criteria are set by the regulator, and not delegated to European Standardisation Organisations where business has the resources and economic interest to ensure the strongest voice.

1 | How the PPWR proposal addresses our recommendations so far

Aspects in line with ANEC position:

- A Regulation as the legal instrument instead of a directive. This will ensure simultaneous and equal implementation of the measures across Member States, to the benefit of consumers and the environment.
- More emphasis on prevention and reuse while also addressing overpackaging:
  - it sets requirements to minimise the weight, volume and layers of packaging, with attention to safety and functionality.
  - a ban on certain forms of unnecessary packaging.
  - it addresses the maximum empty space allowed in packaging used by the e-commerce sector.
- Information requirements on all packaging to facilitate consumer sorting.
- A mandatory deposit return system for plastic bottles and aluminium cans.
- The objective for 90% of large household appliances to be delivered in reusable packaging by 2030.
- Reference to fast-moving goods, recognising the role of packaging in preserving the quality of the product.

Improvements could still be made in these areas:

- Prevention targets are too low.
- The reuse and refill targets (Article 26) are lower than expected, but we note ambitious measures can succeed only if combined with the necessary targets and restrictions to reduce the content of hazardous substances.

While the revision of the Packaging Directive (94/62/EC) still includes limits only for heavy metals[1]:

- We wanted to see the proposal ensure stricter requirements, and phase out other substances of concern from packaging materials in a generic fashion (especially CMRs and EDCs).
- The lack of general restrictions on harmful substances may be of concern, notably as regards the targets for recycled content foreseen in sensible packaging (such as food contact materials, medicines etc.).

As some measures resulting from the otherwise successful single-use plastics directive showed, when replacing a material or packaging by another one, it needs to be proven that the replacement has less environmental impact and at least the same performance. It is imperative to avoid that "the disease worsens with treatment".

[1] Article 5

In the chapters below, we further develop our recommendations for improvement.

2 | Prevention of packaging waste

The Commission data show that, without action, the EU will see a further 19% increase in packaging waste by 2030 (*and a 46% increase in plastic packaging waste - compared with 2018* [2]).

The proposal aims to stop this trend and, indeed, it has the potential to have a positive impact on the planet.

We welcome the requirements of Article 9 and Article 21 on packaging minimisation, and Article 22 and Annex V banning unnecessary packaging. It is crucial however to add quantitative criteria to the qualitative criteria foreseen to achieve enforceability. We also call on the co-legislators to further assess the justifiability of exceptions.

However, the long-awaited new targets for packaging prevention targets proposed are far weaker than needed if we are to avoid the massive increase in waste forecast.

Rightly, the Commission proposal highlights the "*General objective to reduce negative environmental impacts of packaging and packaging waste and improve the functioning of the internal market"* with the first specific objectives to meet this general objective being "*1. Reduce the generation of packaging waste*". For European countries to achieve this goal, there needs to be higher targets for waste prevention and earlier deadlines: a reduction of 15% compared with 2018 should be achieved by 2030, rather than 2040.

As we mention above we welcome the legislation makes important recognition of the role for packaging to preserve the quality of a product. It is key that attention is paid on how more efficient packaging can better protect or facilitate safe storage of products.

A lot of attention is still given to recycling. We believe recycling can play a role when it makes sense for the environment, for human health and economically, but it cannot be a universal remedy. Moreover, increased recycling requires measures to achieve non-toxic material cycles and recycled materials that are safe and attractive to business and consumers. This in turn needs measures to restrict or eliminate hazardous substances in packaging, which are currently lacking in the PPWR-proposal.

We need to reflect the waste hierarchy in our actions, and accompany any measure with an assessment of the health and environmental impacts. Notably, the waste hierarchy includes reducing the hazardousness of the waste as an aspect of the first step regarding prevention.

[2] Data from the impact assessment to the proposal show the amount of waste generated is growing faster than the actual recycling, with a more than 20% increase over the last 10 years, in particular from single-use packaging. Without further measures, the volume of plastic waste generated would increase by 46% by 2030 and 61% by 2040 compared to 2018.

2.1 Urgent need to include restrictions for hazardous chemicals

In the PPWR-proposal, the minimisation and phasing out of the different categories of hazardous substances are mentioned as general ambitions in the recitals (e.g. recital 15) and Article 1, although measures to achieve this are absent in the proposal. Instead, the proposal refers such measures (restrictions of hazardous substances/substances of concern) to other legislation, primarily REACH and the Food Contact Materials (FCMs) Regulation.

However, REACH is currently not sufficient for achieving such restrictions on hazardous substances in packaging. If things go well, the planned revision of REACH could make its restrictions more effective. However, the timing and ambition of the revision are still unknown. Furthermore, even an improved REACH could be a bottleneck for restricting hazardous substances in packaging. Hence, the possibility to restrict substances under PPWR would be appropriate when suitable and as a complement to REACH. This would also contribute to achieving the ambitious recycling targets in PPWR, where there are deadlines already for 2030, which require urgent action.

We call for the setting in Article 5 of clear-cut limits for hazardous chemicals, such as a general ban on CMRs and SVHCs following the 2021 EP Resolution on the New Circular Economy Action Plan which asked to phase out hazardous and harmful substances[3], and the Strategy on Chemicals for Sustainability which sets out the need for material cycles free from hazardous chemicals.

3 | Reuse

Considering the current targets for reuse in the PPWR proposal, and precondition for restriction of hazardous chemicals, it becomes more challenging for us to succeed in achieving the reusability targets set in the Green Deal for all packaging to be reusable – and recyclable – by 2030. In any case, while progressing towards that goal, we need to make sure we do things correctly from the outset and expand *safe* reuse systems at the expense of single-use packaging, wherever possible and useful.

Technical research should serve as the foundation for prevention and reuse targets (reviewing all relevant types of materials and uses). Reuse should be prioritised only if environmental impacts in the overall life cycle are lower than for single-use packaging.

Reusable packaging should also be designed in light of its durability and capacity to be recycled at the end of its life.

[3] European Parliament resolution of 10 February 2021 on the New Circular Economy Action Plan (2020/2077(INI)) https://www.europarl.europa.eu/doceo/document/TA-9-2021-0040_EN.html

Any 'reuse system' should be introduced only if it causes less burden to the environment compared with the single-use system for the same products as regards waste, pollution, and resources consumed in the overall life-cycle.

In those prioritised sectors with greatest potential for reuse, reuse systems should not be a 'niche' option but should become common in retail shops too, so that it is a **simple** and **convenient** choice for consumers.

The right approach to a sector or a product needs to be taken. Reuse needs different approaches depending on the reusable packaging. For example, it is essential to have standardised formats for packaging such as a bottle or a food container under a deposit return scheme, as well as interoperability, short distances between stores and cleaning facilities etc.

An important distinction needs to be made between reuse and refill targets: they should be counted separately given the methods to measure them will differ. Given it will be challenging to measure refills for consumer-owned products, there is a risk of unreliable data mixing refill and reuse efforts.

We welcome the Commission will consider an extension to other packaging materials and other product groups. We think it would be interesting to assess the environmental benefits of extending reuse systems beyond beverage containers, to products such as detergents and cosmetics.

3.1 Consumer trust in reuse systems

Consumers increasingly want to make sustainable choices[4] as data from our members show: 55% of consumers surveyed in the United Kingdom in 2021[5] found environmentally friendly packaging an important aspect of sustainable consumption. The same answer was shared by 29% of Portuguese consumers in a similar survey in 2022 relating to food groceries. 71% of consumers surveyed[6] in Slovenia in 2022 would strongly support legislation on the proportion of drinks sold in refillable bottles.

An assessment needs to be made of how much cost and efficiency of packaging alternatives play in consumers' choices. What can their contribution be to the type and amount of type of packaging (in terms of costs/practicality) that they can or cannot bear? Of course the other side of the coin is how production looks to these questions.

[4] See also McKinsey Article "Reusable packaging: Key enablers for scaling", October 28, 2022 https://www.mckinsey.com/industries/paper-forest-products-and-packaging/our-insights/reusable-packaging-key-enablers-for-scaling

[5] GCS Special: Sustainable Consumption - United Kingdom 2021, Source: Statista (1044 respondents; age: 16+)

[6] 1200+ full responses from consumer organisation members, e-news and different environmental NGOs, on social networks and websites (→ probably mainly answered by consumers who are generally interested in this topic)

It can be expected that people are quite cost-conscious and any proposition that favours this behaviour will be welcome.

On the other hand, we need to learn from the experience with existing reuse systems. Our members report in Germany some reusable packaging being expensive (5€ for cocoa reusable containers) while, in the Netherlands, measures have led to innovation with return systems for cups or packaging for multiple use that work with tracking or apps. A point of attention here is accessibility for the elderly when the use of an app or online system is necessary to make use of returnable/reusable cups or meal containers. In Belgium, a QR system is being considered, raising concern this may exclude some consumers from benefitting from the reuse systems. We underline that it is important for all consumers to be able to use and benefit from the reuse systems when introduced.

For the reuse to be a convenient practice for consumers, several preconditions need to be considered.

First and foremost, consumers need to trust that their health and safety is not put at risk:

- **Hygiene** requirements must be addressed as a precondition for reuse. We welcome this is reflected in the Commission's proposal. If we observe that the harmonised standards for hygiene requirements are not developed in a satisfactory manner, we will call for the development of delegated acts with stricter requirements.
- **Chemical safety** of both reusable packaging and recycled content on the other hand should be addressed by phasing out substances of concern from packaging at the outset of the product cycle, rather than trying to tackle the issue at the end.

Moreover, for consumers to be able to further reduce single-use packaging and single-use consumer products, their access to reuse systems needs to be made easier through easily-accessible infrastructures:

- reuse and refill options need to become available in mainstream retail channels.
- While it is understood that there should always be machine recognizable codes on the packaging:
- technical knowledge or use of smartphones should not be required.
- physical accessibility of the infrastructures needs to be guaranteed (height and access to information for persons with disability, e.g. avoiding touch screens).
- an important change in mindset is entailed, so awareness campaigns are necessary at national and local level. We understand this will be a task for Member States, but it would be useful to agree on common directions and the sharing of good practices at European level.

All these aspects need to be reflected further in Articles 10, 23, 24 and Annex VI.

Deposit return systems:

Measures to encourage the increase of systems to enable re-use according to Article 45 can be e.g. the use of deposit-return systems (DRS) for packaging which is not covered

by the deposit return systems mandated by Article 44 (DRS for single -use plastic beverage bottles with the capacity of up to three litres and single-use metal and aluminium beverage containers with a capacity of up to three litres).

There are several European countries that have deposit return systems for packaging reuse[7]. The systems are administered by a non-profit organisation, and consumers can return their bottles to participating stores and receive a refund. Some of the countries that have implemented such systems include Germany, Switzerland, Denmark, Finland and the Netherlands. The experiences collected will need to be closely considered to gather good practices and challenges encountered.

The results of a study performed in Sweden on cost-benefit analysis of two possible deposit-refund systems for reuse and recycling of plastic packaging[8] will be worth considering. This research examines two DRS scenarios for recycling and reuse, focusing on PET trays used in Sweden for food-grade applications. Over a 25-year timeframe, their costs and advantages are compared to the business-as-usual situation. The benefit-cost ratio of the reuse scenario (1,67) is 2.3 times higher than that of the recycling scenario (0,73), according to the results, which also demonstrate that costs are more than benefits for the recycling scenario but not for the reuse scenario. The distributive analysis identifies key cost takers like the materials industry and hospitality/supermarkets in both scenarios as well as important cost drivers like deposit handling and recycling in the recycling case and deposit handling, dishwashing, and packing in the reuse case. However, the results are uncertain, as is indicated by sensitivity analysis.

There is a need to keep in mind context may change in other countries with different infrastructures and different collection rates. There is a need for independent technical studies to assess the conditions in which reuse is more beneficial while also considering the terms defined in the chapter. Some flexibility/adaptability may be introduced into the systems for best results in each context.

It is key from a consumer perspective that deposit and return schemes are affordable, if introduced, easy-to use and accessible. This should be reflected in Annex X on the minimum requirements for deposit and return systems.

We consider DRS further in chapter 5 below.

[7] Sources: Deutsche Umwelthilfe (DUH): https://www.duh.de/mehrweg-klimaschutz0/refillable-bottles-for-climate-protection/
PET-Recycling Schweiz: https://www.petrecycling.ch/en/home.html
Dansk Retursystem: https://www.danskretursystem.dk/en/

[8] Lu et al. 2022 Cost-benefit analysis of two possible deposit-refund systems for reuse and recycling of plastic packaging in Sweden. https://www.sciencedirect.com/science/article/pii/S2772912522000483
http://kth.diva-portal.org/smash/get/diva2:1715148/FULLTEXT01.pdf

4 | Recyclability, recycling and recycled content

Recycling has an important focus in the proposal compared with reduction and reuse. We should consider not only end-of-life operation but also protection of human health.

From a consumer view, it is not a matter of having the highest recyclability targets as the main focus, but rather that recycling is supported when useful and performed in a way that is safe for the environment and human health. Also there seems to be a general acceptance (?) that recycling is still expensive and slow or low percentage wise.

As we said in our Position paper on the interface between chemicals, products and waste legislation "Keeping hazards in the circle?", material circles can still be created with high effort using much energy and many other resources, leading to significant pollution or introduction of problematic chemicals in new product cycles.

Recyclability is not an end in itself and makes sense only if embedded in an overall concept of resource-saving economy, leading to high-quality products (rather than down-cycling) in an economic way that avoids detrimental effects.

4.1 Hazardous substances need to be restricted at the onset

It is essential to apply the principle of prevention also to hazardous substances by primarily eliminating them at the outset of the product cycle, rather than trying to tackle the issue at the end of the process.

As we stated in our position paper (https://bit.ly/3JU9pDD), replying to the EC proposal[9] for updated rules on recycled plastic in food packaging, and in the open letter we sent with other Civil Society Organisations to Stella Kyriakides, Commissioner for Health & Food Safety (https://bit.ly/3HjUn8r) on the proposed **updated rules on recycled plastics in food packaging,** we express concern at the evidence of increased levels of toxic chemicals in recycled plastics[10].

[9] *Regulation (EU) 2022/1616 on recycled plastic materials and articles intended to come into contact with foods* was then adopted in the summer of 2022 and entered into force on 10 October 2022.

[10] See also Civil Society Organisations open letter to the Commissioner for Health & Food Safety on updated rules on recycled plastic in food packaging (https://bit.ly/3HjUn8r) and

- Geueke et al. 2018 *Food packaging in the circular economy: Overview of chemical safety aspects for commonly used materials. Journal of Cleaner Production.* (https://bit.ly/3lrSf9D);
- Muncke et al. Impacts of food contact chemicals on human health: a consensus statement. Environmental Health (2020) 19:25. https://doi.org/10.1186/s12940-020-0572-5 .
- Muncke J, Backhaus T, Geueke B, Maffini MV, Martin OV, Myers JP, Soto AM, Trasande L, Trier X, Scheringer M. Scientific Challenges in the Risk Assessment of Food Contact Materials. Environ Health Perspect. 2017 Sep 11;125(9):095001. doi: 10.1289/EHP644. PMID: 28893723; PMCID: PMC5915200. Scientific Challenges in the Risk Assessment of Food Contact Materials - PMC (nih.gov)

Minimum recycled content requirements for plastic packaging (such as those introduced in Article 7 of this proposal) should be developed in alignment with the **Chemicals Strategy for Sustainability**. These requirements should be combined with quality objectives or measures to minimise and phase out hazardous substances. Otherwise, they may offer an incentive for low-quality recycling, and use of contaminated recycled materials, which might compromise the safety of the packaging materials as well as the confidence in those materials among potential users and consumers. This would lead to negative consequences for the recycled materials market and the transition to a circular economy.

Toxic substances must not be reintroduced in the production cycle. Any measure to increase recycling rates must be accompanied by an assessment of environmental and health impacts, as well as an assessment of alternatives.

Further, these should be accompanied by effective measures to actually minimise/phase out use of hazardous substances. This could be done through adding a requirement that packaging must not contain any substances of concern, to the overall criteria in Article 6 for recyclable packaging, if it is to be considered recyclable.

Another measure could be introducing the possibility to restrict hazardous substances under the PPWR, when appropriate and as a complement to REACH (see also chapter 3.1 above).

4.2 Recycled plastics in food packaging

One of the three main objectives set for the Regulation proposed is to "Promote the uptake of recycled content in packaging".

As mentioned above, objectives for the increased use of recycled material in packaging should be combined with objectives on quality and safety, as well as measures or requirements aimed at the minimisation or phasing out the use of hazardous chemicals in packaging. Further, there is a need to improve the availability of information on the chemical content of the material. Hence, requirements for information on content of hazardous substances should be included in the PPWR (or there should be a link to the ESPR and chemicals information on the ecodesign / performance requirements and the product passport or to the SCIP database).

As we stated in our position paper, when replying to the EC proposal[11] for updated rules on recycled plastic in food packaging and in the open letter[12] we sent with other Civil Society Organisations to the Commissioner for Health & Food, in that context we call on the EC to update the FCM legislative framework before turning to recycled plastics. We see this as even more crucial as there is evidence of increased levels of toxic chemicals

[11] *Regulation (EU) 2022/1616 on recycled plastic materials and articles intended to come into contact with foods* was then adopted in the summer of 2022 and entered into force on 10 October 2022.
[12] https://bit.ly/3HjUn8r

in recycled plastics[13]. This could lead to a complete ban on recycling plastics in terms of food and beverages if necessary and use such recycled plastics in other industrial production lines.

There should be no "bargaining" for human health; there is no guarantee as to firm ethics. Habitual ways of doing things are sometimes hard to leave behind; but precious time will be lost if certain measures are not implemented immediately.

5 | Return and collection Systems

The proposed regulation looks to set-up mandatory Deposit Return Systems (DRS) for certain packaging types, including minimum requirements for all DRS.

It says:

"*Member States are also allowed to include glass in the DRS and should ensure that DRS for single -use packaging formats, in particular for single -use glass beverage bottles, where technically and economically feasible, are equally available for reusable packaging.*

Article 45 requires Members States to take measures to encourage the increase of systems to enable re-use. Such measures can be e.g. the use of deposit-return systems for packaging which is not covered by the deposit return systems mandated by Article 44".

DRS systems can increase collection rates and contribute to preventing litter, but they are typically more costly and this may lead to affordability issues for consumers. To be successfully introduced, DRS systems need to be accessible and affordable, as described in Chapter 3.1 above.

If further to plastic and aluminium containers, other materials are to be addressed in DRS (also for reuse), a technical and economic impact assessment impact needs to be performed to ensure existing infrastructures can still be used. DRS makes sense for PET and aluminium because they are valuable materials and DRS are therefore not too expensive. Polypropylene packaging for detergents they are not valuable so the DRS is more costly. In the latter case, investigating systems for refill may be more suitable.

It is also important to have infrastructure that is consumer friendly, close to home and has easy access. It should be remembered that it is not always possible for consumers to store reusable or recyclable containers at home. Indeed, the effectiveness of these systems depends on factors such as the type of packaging, the size of the deposit, the ease of use for consumers, and the level of industry support.

[13] Geueke et al. 2018 Food packaging in the circular economy: Overview of chemical safety aspects for commonly used materials. Journal of Cleaner Production, https://www.sciencedirect.com/science/article/pii/S0959652618313325

Common characteristics of successful DRS include:

Convenience for consumers: DRS systems that are easy and convenient for consumers tend to have higher return rates. This could be achieved through having a widespread network of return locations, such as supermarkets, kiosks, or vending machines, and offering a deposit refund that is attractive enough to encourage returns.

Effective enforcement: as recognised in the European Circular Economy Action Plan, a well-enforced DRS can help ensure that all parties involved (consumers, retailers, and manufacturers) comply with the rules and regulations. Enforcement can include strict penalties for non-compliance, clear labelling requirements, audits and inspections.

Industry support: a DRS is more likely to be successful if it has support of the industry involved in packaging production and waste management. This can include the creation of a non-profit organization to administer the system, and inclusion of manufacturers in the development and implementation of the system.

In terms of specific systems, it is worth noting no one system is perfect for all situations, and different systems may be more effective in different contexts. For example, a DRS for reusable glass bottles may be more effective in areas with a high population density and well-established return infrastructure. By comparison, a system for plastic bottles may be better in areas where recycling rates are low.

In summary, the effectiveness of a DRS for the environment and consumers depends on many factors, and it is important to consider the specific context in which the system is being implemented.

6 | Compostability requirements (Art. 8)

Compostable packaging can be defined as that which is biodegradable only under specific conditions (domestic or industrial), according to specific standards. This could lead to confusion for consumers who often wrongly think that "biodegradable", "compostable" and "recycling" mean the same thing. Art.8 must therefore give a definition and provide a list of the packages that must be compostable.

The standard, EN 13432, includes criteria to define a biodegradable or compostable material. According to EN 13432 standard, a material is compostable if it is:

- biodegradable,

- disintegrable, i.e. made up of fragments smaller than 2mm,

- free from eco-toxic substances,

- low in heavy metals and fluorinated compounds, with pH, nitrogen, phosphorus, magnesium and potassium values below established limits. So a waste, to be defined as compostable, must inevitably be biodegradable.

Conversely, a biodegradable material is not necessarily compostable because it may not disintegrate sufficiently during a composting cycle, for example.

EN 13432 also sets the timeframe for the decomposition of the material.

It is important to confirm that packaging which meets the requirements referred to as "compostable" actually breaks down/is mineralised to the degree foreseen, and that the process does not result in emissions of microplastics or hazardous substances. A review of the effects of the provisions of Article 8 should be performed regularly, starting (for example) two years after entry into force of the PPWR.

The wording "most of" in the definition of compostable packaging (Article 3.41) should be deleted. Instead, the definition should refer to the EU *Policy framework on biobased, biodegradable and compostable plastics* which states"…decompose *fully* in the receiving environment…".

7 | Labelling and packaging waste collection

With a view to making waste sorting easier for consumers, Articles 11 and 12 introduce EU standardised labels for packaging and trash containers based on the composition of the packaging material.

Harmonised labels are also introduced for:

- packaging that requires DRS

- reusable packaging and requirements to identify multiple use and single use packaging at the point of sale.

From a consumer perspective, the measure put forward by the Commission to enhance instructions for waste sorting, and to state what is recyclable in a harmonised way at European level, is an important step forward to help avoid misunderstandings on what can be recycled and what cannot, and increase proper waste collection.

The proposal requires clear and standardised labelling of packaging to help consumers make informed decisions about the sustainability of the packaging of the products they purchase. Once clear definitions on recyclability are put forward by the Commission, labels about end of life of single use packaging should also be mandatory and not voluntary (e.g. to distinguish which containers at the drop-off point are for paper, plastics or municipal waste, etc.).

We also welcome that the proposal introduces prohibition of labels that are deceptive and unclear when it comes to sustainability standards, or waste management solutions for which there are standardised labels. These aspects become more important when the proposal introduces harmonised criteria for voluntary labelling of recycled content, for which a reliable calculation method is urgently required to avoid greenwashing.

It is essential the packaging-related information requirements under PPWR work with the hazard and safety-related CLP labelling requirements. This includes that it should be clear which labelling refers to the packaging and which relates to the product inside the packaging. All labelling must be visible and readable, with sufficient space on the packaging/label.

8 | Governance and Role of standards

Following the standardisation work under the second Standardisation Mandate M/317, which requested standards in support of the present Packaging and Packaging Waste Directive, ANEC evaluated the revised 2004 packaging standards[14] and identified major shortcomings in EN 13428, EN 13429, EN 13430, and EN 13231. As we stated then, in a common commentary developed with ECOS[15], the standards lack measurable criteria for reducing excessive packaging; allow for use of harmful substances; do not specify minimum requirements for reuse or recycling, and have low calorific values for energy recovery. In our view, these standards do not meet the requirements of the Packaging Directive or M/317, and cannot lead to a cut in the environmental impact of packaging. We have therefore been calling on the Commission and the Member States to consider alternative solutions, such as adding specific requirements in legislation.

As regards compliance assessment, the outcome of any certification system based upon compliance with a standard is only as good as the standard itself. A standard with weak requirements will lead only to a certification system that does not offer a high level of consumer protection.

Hence, we welcome the Commission leaving the door open to developing further rules through delegated acts, and even wish to see the requirements in the Regulation both more detailed and ambitious.

While an important role can be played by European standards for reusable packaging formats and standardised design, as well as related hygiene requirements, we welcome secondary legislation is foreseen for:

- establishing the methodology for the calculation and verification of the percentage of recycled content (Art 7) recovered from post-consumer plastic waste [16]
- establishing harmonised labelling of packaging, subject to deposit and return systems (Art 11)[17].

[14] EN13428:2004 Requirements specific to manufacturing and composition – prevention by source reduction; EN 13429:2004 Packaging – Reuse; EN 13430:2004 Requirements for packaging recovering by material recycling; EN 13231:2004 Requirements for packaging recoverable in the form of energy recovery

[15] ANEC-ECOS Position Paper on the revised Packaging Standards prepared under the second Standardisation Mandate M/317: https://www.anec.eu/images/documents/position-papers/2005/env001-05.pdf

[16] By 31 December 2026, the Commission is empowered to adopt implementing acts

[17] After 18 months from entry into force of the PPWR

- calculation of the attainment of the re-use and refill targets (Art 26) [18]

A packaging forum, initially conceived to consult stakeholders, may be worth setting-up to help and assist in development of the foreseen implementing acts.

The deadlines for the development of secondary legislation for aspects that cannot be already defined in the main regulation need to be set clearly to avoid legal uncertainty.

We are concerned at the numerous derogations and exceptions put forward in the draft Regulation and ask the co-regulators to assess further the necessity to exempt certain packaging.

9 | Conclusions

The proposed Regulation on packaging and packaging waste is welcomed by ANEC. It will give consumers more practical options for minimising packaging waste. In light of the focus set on recyclable packaging and recycled plastics in the proposal, the text should be more ambitious in terms of its reuse targets and restriction on harmful substances in packaging. Future revision phases must adhere more closely to the waste hierarchy and consider how the actions put forward will affect human health and the environment. Only measures on packaging and packaging waste that are beneficial to both the environment and human health should be prioritised.

There should be clear requirements/measures to minimise and phase out substances of concern/harmful substances in the text of the Regulation, not only references to other pieces of legislation like REACH. With the short timeframe before all packaging needs to be recyclable, and when there are objectives for recycled content in plastic packaging, the phasing out of hazardous substances becomes urgent.

In our view, it is essential the requirements of the Regulation are strengthened through delegated acts, and are not risked by being left to standardisation alone.

[18] By 31 December 2028

ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and the use of standards, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.

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Raising standards for consumers

The European consumer voice in standardisation aisbl

Rue d'Arlon 80, box 3
B-1040 Brussels, Belgium

+32 2 743 24 70
@anectweet
anec@anec.eu
www.anec.eu

EC Register of Interest Representatives:
Identification number 507800799-30

BCE 0457.696.181

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