

To:

Virginijus Sinkevičius, *European Commissioner for Environment, Oceans and Fisheries*

Thierry Breton, *European Commissioner for Internal Market*

Industry and civil society welcome progress on packaging and packaging waste legislation but urge the European Commission for a more ambitious proposal, defending against pushbacks

- Joint statement by business representatives, consumer and environmental organizations -

17th November 2022

Dear Commissioner Sinkevičius,
Dear Commissioner Breton,

As environmental NGOs and business representatives, **we want to express our clear approval of several milestones established by the Commission** in the leaked new Regulation on Packaging and Packaging Waste, especially **where they support the upper levels of the waste hierarchy**, for example by setting binding measures on packaging waste prevention and reuse.

Contrary to the claims of some industry players, the data clearly shows that such measures are necessary. Packaging volumes are at an all-time high. The last decade alone, packaging waste has grown by 20% and even outpaced economic growth. Only a negligible portion of it is being reused today, despite the positive effects of reuse systems: they reduce waste at source, cut energy and resource use, strengthen SMEs and create jobs as well as scalable business opportunities. Most importantly, reusable packaging plays a key role in the reduction of greenhouse gas emissions.

Measures such as waste prevention targets and binding reuse quotas have the potential to initiate a transition towards a truly circular economy. **However, we want to point out that the current draft falls short in terms of level of ambition.** It is not sufficient to slow or stop the trend of increasing packaging volumes. Instead, the harmful developments of the past decades must be reversed.

With the upcoming revision, there is a unique opportunity to turn the tide. For the necessary paradigm shift away from the current linear economy model, we must reduce the amount of single-use packaging as far as possible by a) cutting down on unnecessary packaging, b) making environmentally friendly reusable packaging the new norm, and c) making non-recyclable packaging a thing of the past once and for all.

Such a sustainable transformation of the packaging market is possible - and in a way that benefits the environment, people and the economy. The solutions to the packaging crisis exist and the companies that are willing and able to implement them are ready to go. Especially regionally operating SMEs have been able to demonstrate how a true circular economy can be achieved through reuse. Currently, many innovations are being rolled out to establish reuse systems in new areas such as food packaging.

However, the large-scale implementation of those reuse systems requires ambitious and well-designed legislation that we are partly missing in the current proposal. This includes:

- **Conversion from a directive to a regulation:**

The decision to convert the directive into a regulation is a courageous and appropriate step, as it sets a swift and consistent minimum ambition level among all member states. However, **it must be ensured that more ambitious binding measures, especially those relating to waste prevention and reuse, can still be implemented in the member states**, such as the existing 70% reuse target for beverages in Germany. To this end, opening clauses must also be included wherever necessary.

- **Binding waste prevention targets:**

The targets set in the draft (5% by 2030, 10% by 2035 and 15% by 2040) are an important milestone from a regulatory perspective, but are nowhere near ambitious enough. **Reversing at least the 20% increase in packaging volumes that happened over the last decade should be the initial prevention target.** In line with climate protection ambitions, packaging volumes must decrease drastically. Member States with exceptionally high levels of waste (over 180 kg of packaging waste per capita annually) should face the greatest responsibility.

- **Mandatory reuse targets**

Introducing mandatory reuse targets within the regulation is not only innovative, but represents a strong signal to many industries and stakeholders. The targets for 2040 provide a clear and realistic industry incentive. However, the targets for 2030 ignore that in many member states a market ramp-up would be possible much earlier. Since higher shares of reusable packaging within pooling systems allow for maximized environmental and economic benefits, states with high shares should be incentivized to aim for higher mandatory targets. **To ensure that all member states are on track by 2030 and 2040, interim goals and assessments are necessary, such as an initial entry value target for 2027 and further interim goals in 2033 and 2036.** In addition, food packaging in retail and cleaning and cosmetic products must also be included as a category as they bear great potentials for reuse. Moreover, the filling of containers brought by the consumer (refill) must not be added to the fulfillment of the quota in order to set clear incentives. To ensure a maximum number of rotations the definition of reusable systems must also clearly include the incentivization of return and existing return logistics.

- **Mandatory introduction of Deposit Return Systems DRS**

The mandate to introduce DRS is an extremely important and wise decision. DRS have long been able to prove that they massively reduce environmental pollution and produce a material stream of high-quality recyclates. However, when they are introduced, it must be ensured that they are designed in such a way that it is also made **mandatory to enable the return of reusable packaging** (all materials, also glass) by the consumer in the same infrastructure.

- **Provisions on recyclability/ Recycled content/ Bans of certain SUP types**

The draft's provisions on recyclability, minimum recycled content quotas and bans on certain types of packaging, such as single-use packaging in the HORECA sector, are promising approaches, even if the level of ambition should be increased in some areas. For example, loopholes regarding the recyclability of so-called innovative packaging are too broad.

In the upcoming revision, above all, there is one thing that must be clear: the time for measures that only take effect in the future and merely allow for a very slow transformation is over if the EU wants to halve CO2 emissions until 2030.

We hope that the Commission will publish a bold proposal to establish a new model of sustainable consumption in member states, where the prevention of packaging waste and a stable reuse economy help us reach a clean and livable world for generations to come.

Yours sincerely,

Signatories



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