EU’s packaging law
What’s next?

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After the much-awaited proposal on the EU packaging and packaging waste directive (PPWD), the ball is in the court of EU lawmakers, who are now called to tie up loose ends and tweak the draft legislation.

The new PPWD framework sees a wide-ranging overhaul of the current law, including mandatory targets for recycled content into new plastics and design criteria to help to recycle more.

In this Event Report, EURACTIV explores the current debate on how to improve the proposal from the Commission from the point of view of the agrifood sector.
Stakeholders clash over environmental impact, viability of EU packaging law

Lawmaker: Food sector woes ‘overlooked’ in EU packaging law

Packaging sustainability needs infrastructure and a strong Single Market

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With the EU’s new packaging law open to lawmakers’ opinions, farmers and industry are questioning the environmental and socioeconomic impacts of the proposal while green groups warn against a ‘zero-sum approach’ to the matter.

The EU’s packaging and packaging waste directive (PPWR), unveiled by the EU executive last November, aims to introduce new targets for reuse and recycling to tackle rising amounts of packaging waste in the EU.

On average, each European generates almost 180 kg of packaging waste per year. In addition, the packaging sector still makes considerable use of virgin materials as 40% of plastics and 50% of paper used in the EU is destined for packaging.

The Commission proposal features a recycling target of 55% for plastic packaging for beverages and takeaway food, as well as 85% for paper and cardboard by 2030. The draft law needs now to be discussed by the European Parliament and the EU ministers.

The Parliament’s environment committee (ENVI) will lead the file but the agriculture committee (AGRI) decided to deliver an opinion “which will help steer the proposal in the right direction,” according to the German liberal MEP Ulrike Müller.

“As always, the devil is in the detail,” she said, “[And] there are several topics where I believe we need to second guess the Commission’s approach.”
These would include the role of packaging in the food chain, namely shelf life and food safety, she added.

On the other hand, EU ministers already kicked off their talks, with fierce opposition to the Commission’s proposal led by Italy and Belgium, both pushing for more flexibility in the implementation of the new targets.

But the debate over the new rules put forward by the EU executive has now spread to food stakeholders as well. While there is a general consensus on the need to reduce packaging waste, positions differ when it comes to bringing together environmental and socio-economic concerns.

At a recent event at the European Parliament, an EU official working at the Commission’s food safety service (DG SANTE) said they have been collaborating with the environment service (DG ENV) and are “aware of the different concerns” that they will consider in the next revision of the directive.

“For example, defining hygiene rules for reuse and looking beyond the plastics recycling span to cover all types of materials is something we will tackle as a priority,” said the official, who is working in the department dealing with food contact materials.

However, the official added that the current foreknowledge, technology and available infrastructure “does not allow us to meet those targets.”

“Our side, our main objective is consumer safety […] and of course, then it will depend on how we can make this work with the environmental objectives.”

**Overpacking or underpacking?**

One of the bones of contention is which aspects to tackle in order to get the expected results in terms of boosting waste prevention and recycling.

For Ann Lorentzon, circular packaging expert at the Research Institutes of Sweden (RISE), smaller packages can be more effective to reduce food waste, despite using more packaging material.

A 10% of the environmental impact of a product comes from the packaging, according to the expert, “so the environmental impact of the product it’s much bigger, [therefore] if you have a damaged product and you can’t use it, all the resources you have put are spoiled.”

“Don’t under-pack, that’s worse than to over-pack,” she said.

But Marco Musso, policy officer at the green organisation European Environmental Bureau (EEB), warned against “framing the fight against food waste and the effort to reduce impacts of packaging as opposite”.

According to him, there is a risk of a debate which portrays a “zero-sum game” between food security and safety on one side and measures needed to reduce the environmental impact of packaging waste on the other.

“National and EU data shows clearly food waste and single-use packaging waste have grown simultaneously over the last decades,” he pointed out.

Musso also highlighted several studies showing that selling items in bulk is a more “effective way to reduce household waste by allowing people to buy just the right amount to meet their needs” than packaging.

**Socio-economic impact needed**

EU farmers’ organisation Copa-Cogeca and the industry sector, on the other end, question the science behind the environmental benefits of the proposal against the expected socio-economic impact.

“We support this regulation’s aim to harmonise packaging regulation across the EU,” said Sam Emerson, policy adviser at Copa-Cogeca. “However, it’s also paramount to us that social and economic sustainability are also guaranteed.”

“If you’re going to introduce measures that will inevitably have an economic impact on this sector, I think the environmental impact needs to be evident and clear,” he added.

For Martin Engelmann, director of the German Plastic Packaging Association, the solution would be reducing the executive’s proposal “to what is really necessary” and “particularly with regard to the recyclability of plastic packaging.”

According to him, the current rules “discriminate” plastic packaging which he said was “stupid because it will only lead to a shift from one material to another”.

With its new packaging rules, the EU aims to curtail exponentially-growing waste. But for the food sector, the proposal has unintended ramifications that have so far stayed under the radar, lawmaker Ulrike Müller warned.

The proposal for the new packaging and packaging waste (PPWR) regulation was tabled by the European Commission last November to boost reuse and recycling in an effort to reduce growing amounts of packaging waste. The new rules would also apply to food and drink packaging: For beverages and takeaway food, the Commission proposes an 85% recycling target for paper and cardboard packaging, as well as a 55% target for plastic.

But the potential ramifications of the proposal for the agri-food sector have not been sufficiently taken into account, according to Müller, who is a member of the European Parliament’s agriculture committee for the liberal Renew group.

“I believe that many unintended consequences of the proposal on the food chain have been overlooked,” she told EURACTIV in an interview.

When talking about reduction...
targets and bans, one should keep in mind that, for food, “packaging fulfils the important function of preserving it during transport and storage, avoiding food loss and waste,” the German lawmaker stressed.

With packaging only making up a fraction of food products' environmental and climate footprint, she added, “under-packaging generally can have a more severe impact than over-packaging”.

**Infrastructure gaps**

Müller also pointed to the fact that, while high recycling rates should be achievable for food packaging in the next years, the availability of recyclates suitable for contact with food is a “huge issue”.

At the same time, the necessary infrastructure to ensure a high use of recycled materials for food packaging is, in many cases, still lacking, the lawmaker stressed, saying she was “concerned about the lack of infrastructure for separate collection”.

“For most plastics”, she added, “there are no standards available, and the recycling infrastructure will not be ready by 2030,” the benchmark year proposed in the regulation.

In Müller’s view, gaps also remain in terms of legal clarity for the food and hospitality sector when it comes to reusable packaging for take-out food and beverages.

“Who is liable for hygiene issues when a customer brings their own cup or container?” she asked.

“The proposal is full of good intention, but in many cases not well-thought-out,” she concluded.

**Impact on consumers**

For the liberal MEP, the reform is also set to have significant impacts on consumers. “In parts, this is justified,” she said.

“Consumer behaviour is a massive factor: just keep in mind that households are by far the largest contributor to food waste in the EU.”

But while certain changes in consumer behaviour are “necessary”, Müller added, “we need to make sure that provisions in the regulation match the actual daily life of people”.

For instance, collection schemes for bottles and reusable packaging for take-out “must not put an undue burden on consumers, which means that we need to make sure that requirements for adequate infrastructure and interconnected collection systems are established,” she stressed.

The lawmaker also warned that reduction targets and bans on certain types of food packaging could lead to more food waste because consumers might have to “buy more than they need and do not have the means to store leftovers, both due to inappropriate packaging.”

**Packaging waste versus food waste**

According to Müller, similar unintended effects could come with selling food items in bulk – option environmentalists have championed as a way of reducing household waste.

Bulk packaging “is only suitable for a limited range of products with a long shelf life – and only if these are consumed regularly,” she stressed. “Otherwise it might contribute to increased food waste, which would be worse than a slightly higher volume of packaging waste due to portion-sized packaging.”

In a time when more and more people live in city flats with little storage space and increasingly consume food out of the house, this latter situation is becoming more and more likely, Müller warned.

“Instead of less packaging per se, we need smart packaging that uses the right amount of the right material for individual purposes to achieve the optimal balance of the product footprint,” she concluded.
The revision of Europe’s packaging legislation can be a game-changer to advance packaging sustainability across the EU.

Francesca Siciliano Stevens is Secretary General at EUROPEN (The European Organisation for Packaging and the Environment)

The packaging industry fully supports the ambitious goals of the EU Green Deal and Circular Economy Action Plan. Massive investments are being made in material innovation, recyclability and reusability of packaging. The direction of travel is clear and our industry is fully on board with this transition.

Ambitious goals alone will not suffice though. They must be matched with a regulatory framework that sets the ground
for the systemic change needed to enable the uptake and scaling-up of sustainable packaging.

In its proposal for a Packaging and Packaging Waste Regulation (PPWR), the European Commission has rightly identified that, for a circular economy in packaging to become a reality, we need stronger harmonisation of the regulatory environment. Over the last few years, we have witnessed the increased fragmentation of the Single Market for packaging and packaged goods. Diverging national measures translate into market barriers, which in turn undermine economies of scale and stifle investment in innovation.

The Single Market is our biggest asset in achieving the climate and environmental transition and it is important that we build one circular economy comprising all Member States, not twenty-seven mini-circular economies. We stand fully behind the Commission’s proposal to strengthen harmonisation by transforming the existing Directive into a Regulation and preserving the existing internal market legal basis in its entirety.

Stronger harmonisation is key also when it comes to stepping up Member States’ ability to meet their waste management obligations. Many governments are joining forces in favour of an environmental legal basis on the grounds that they want to go beyond EU targets. Yet two-thirds of Member States are expected to fall short of their recycling targets in 2025. This is alarming. We are fully committed to delivering the continuous improvements in packaging design needed to ensure recyclability by 2030, as proposed by the Commission, but industry efforts alone will not be enough if we also want to meet the twin goal of recyclability at scale by 2035.

Waste management systems and infrastructure must be scaled up significantly to deliver effective packaging waste collection, sorting and recycling in all Member States. This is a job for public authorities, not industry alone. As a priority, mandatory collection obligations must be strengthened, so that packaging waste is recycled in practice and at scale. The upcoming revision of the Waste Framework Directive will no longer address this critical issue, so it is essential that provisions are put in place in the PPWR to ensure that packaging waste does not end up in incineration plants but is separately collected and directed towards clearly defined waste streams for recycling.

Alongside recyclability, continuous efforts are underway in the packaging industry to reduce packaging and increase reuse, without forgetting that the ultimate goal is to have packaging that is fit for purpose. Waste prevention and reuse goals can support these efforts, but packaging must protect consumer health and safety as well as the products themselves. Recognising the purpose of packaging is key to understanding which solutions make more sense for each use and context. The proposed restrictions on the use of certain packaging formats overlook the essential role that packaging plays in resilient food systems and in preventing food waste and cross-contamination.

Similarly, the proposed reuse targets should have been thoroughly assessed under real-life conditions and based on scientific evidence with respect to their climate and environmental footprint as well as hygiene, health and food safety requirements. The huge investments needed to develop the required reuse infrastructure, from sanitisation to distribution and take-back systems, should also have been thoroughly assessed to determine the size of the required investments. As pointed out by several Environment Ministers during their recent exchange of views on the PPWR, the impact assessment accompanying the Commission’s proposal lacks sufficient data and analysis for a thorough assessment of the proposed targets.

Together with the framework conditions – from Single Market to adequate waste management systems and infrastructure – for the PPWR to succeed we, therefore, need to remember that packaging cannot be considered in isolation from the packaged product. Coherence with other EU policy goals, such as the EU Green Deal or the Farm to Fork Strategy, is essential to ensure that policy and regulatory decisions are all moving in the same direction with the ultimate goals of reducing climate emissions and preventing waste.