

REPLY TO THE CONSULTATION ON THE INCEPTION STUDY ON REVIEW OF THE REQUIREMENTS FOR PACKAGING AND OTHER MEASURES TO PREVENT PACKAGING WASTE

ACE supports an ambitious implementation of the Packaging and Packaging Waste Directive, as well as the new Circular Economy Action Plan. This is a unique opportunity to scale up the contributions of a circular economy to climate neutrality by incentivising the use of low carbon and circular packaging. ACE specifically calls for an ambitious implementation of the requirement to ensure the separate collection of packaging waste which is essential to achieve a circular economy, as it increases the volume and the quality of materials available for recycling.

With regard to the specific objectives of the revision of the PPWD,

- ACE strongly supports the objective of **the free movement of packaging and packaged goods** across EU Member States.
- ACE believes that **mandatory provisions on recycled content** should only be considered for products or materials for which the use of recycled materials has proven technical and environmental benefits, is safe for consumers based on EFSA assessment of its suitability in food contact materials, and does not decrease the recyclability of the new product. Paper-based packaging is recycled at a very high rate and the paper recycling value chain is a well-functioning one that does not require incentives for the uptake of recycled materials. Such mandatory requirements would likely be counter-productive as they would disturb the existing paper recycling value chain and would not bring additional environmental benefits. We support voluntary initiatives to increase the uptake of recycled materials. Any mandatory requirement should only apply to those packaging materials whose secondary markets need to be incentivized.

ACE believes that the **reduction of packaging waste should focus on residual packaging waste**, i.e. packaging waste that cannot be recycled or reused (and hence is incinerated or landfilled). Circular packaging that contributes to climate neutrality is part of the solution. Reuse is one of the options to reduce residual waste but not the only one as in some cases reusable options have similar or even higher environmental impacts throughout their life cycle when considering the climate impact compared to single use options. We believe a new consumption model needs both multi- and single-use packaging as long as it takes into account climate neutrality, sustainable sourcing of raw materials including the impact on biodiversity, resource use, circularity as well as food safety and availability. Measures established for the prevention of packaging waste must be adequate and proportional to the objective pursued and should be focused to minimize overpackaging and residual waste.



ACE has the following views on the options proposed to reach the objectives

- We support the revision of the Essential Requirements according to which **all packaging placed on the market must be low carbon, reusable or recyclable by 2030. Requiring all packaging to be reusable or recyclable and provide an enforceable definition of what is ‘recyclable’ is the best option** as it will de facto eliminate residual waste and hence allow reaching the objective without unnecessarily impacting functional packaging that is necessary to protect food and beverages, protect health and reduce food waste. This measure can be implemented through pay-as-you throw schemes with high fees for residual waste, strict separate collection of packaging to ensure high quality recycling and a clear definition of “recyclable”. Such a provision would provide a stable legislative framework for sustainable investments to meet climate and circularity targets while supporting resilient food systems.
- **Restricting the use of some packaging materials to certain applications** in particular when alternative reusable products or systems exist may prove to be difficult to implement and hampers innovation. Regulation should set goals and targets but abstain from being overly prescriptive on the means to meet them.
- **Reducing the complexity of packaging materials** including the number of polymers used does not look at the functionality of the packaging. Some beverages or foods are highly sensitive and hence require to be packed in such a way as to avoid wastage and ensure health & safety. Beverage cartons are mainly composed of fibres, and include polymers to protect from light, oxygen, leakage and loss of nutritious or other properties and in some cases aluminium to allow for storage without refrigeration. The materials used to make a beverage carton can easily be separated during recycling. Fibres are of good quality and hence are in demand as a valuable secondary raw material, Various project and initiatives are underway to increase the recycling of the polymers and aluminium. Beverage cartons are considered as recyclable and recycled at scale in Europe.*
- The uptake of recycled content should be driven by favouring a voluntary approach. Prior to consider the possible introduction of mandatory requirements for recycled content in packaging, essential framework conditions need to be in place:
 - Continuity of the EU Internal Market, full transposition and application of the ‘Net Cost’ principle for packaging Extended Producer Responsibility schemes across all Member States,
 - Functioning EU approval process for use of recycled materials in Food Contact Materials. Any mandatory requirement to use recycled material should only apply to those packaging materials whose secondary markets need to be incentivized. If any such requirement is imposed, e.g. in fiscal measures or in the PPWD, low-carbon materials such as renewables / bio-based content should be equally treated.

* “Beverage cartons are recycled at scale across the EU, however, so based upon this consideration they should be categorised as recyclable packaging” – page 142 of the report “Effectiveness of the Essential Requirements for Packaging and Packaging Waste and Proposals for Reinforcement - Final Report and Appendices” led by Eunomia, February 2020



- Availability of Secondary Raw Materials at competitive prices and of appropriate quality (as established by 'end-of-waste' criteria) ensuring consumer and product safety.
- Introducing **minimum mandatory green procurement criteria and targets** could help provided that it is consistent with the above.

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