

ACE Position Paper: Proposal on Packaging and Packaging Waste Regulation

Introduction

[ACE](#) supports the European Commission's (EC) vision that by 2030 all packaging should be recyclable and/or reusable. ACE is committed to continue its sustainability journey as demonstrated by the sector's 2030 Roadmap (www.beveragecarton.eu).

Beverage cartons are a sustainable and essential packaging solution allowing the safe transport, storage and use of sensitive products such as milk/dairy, plant-based products, juice and food (respectively beverage cartons pack ca. 75% of milk¹ and 59%² of juice in Europe). Their composition and light-weighted structure allow for easy transport and long shelf life.

Beverage cartons are recycled at scale in Europe in around 20 specialised recycling plants in Europe at a rate of over 50%. Our industry has invested over 200 million euros and plans to invest some additional 120-150 million euros in Europe to support the recycling of all components of beverage cartons.³

Beverage cartons have the lowest carbon footprint in their category of milk and juice as demonstrated by several LCA studies, which included NGOs.⁴ This is thanks to their light-weight structure of the packaging, their renewability of the main raw materials, their use of renewable energy (95% on average) and their transport and packaging efficiency (about 30% more milk can be packed in a truck using beverage cartons compared to bottles).

The beverage carton industry acknowledges the need to revise the rules on packaging and packaging waste management to align them with the overall objective of the EU Green Deal. We believe that the current PPWR draft contains positive developments, but that additional consideration is needed for some elements. **In particular, we believe that critical aspects such as consumers' health, economic and environmental benefits, roles and responsibilities of the economic operators (e.g. suppliers and manufacturers) and technical feasibility of the measures proposed need to be further examined. The Impact Assessment does not provide robust evidence-based facts for some of these aspects.**

¹ Roland Berger: Impact assessment study of an EU-wide collection for recycling target of beverage cartons (2022)

² 2018 Liquid Fruit Market Report

³ Roland Berger: Impact assessment study of an EU-wide collection for recycling target of beverage cartons (2022)

⁴ Supporting evidence – Environmental performance of beverage cartons, Circular Analytics, <https://www.beveragecarton.eu/news-and-resource-centre/publications/>). ZeroWaste Europe https://zerowasteurope.eu/wp-content/uploads/2020/12/zwe_reloop_report_reusable-vs-single-use-packaging-a-review-of-environmental-impact_en.pdf?v2.pdf?utm_source=POLITICO.EU&utm_campaign=edf8c1d17b-EMAIL_CAMPAIGN_2022_10_24_02_44&utm_medium=email&utm_term=0_10959edeb5-edf8c1d17b-190996081



1. HIGH QUALITY RECYCLING: Calling for an open loop approach to recycling

A product closed loop approach (e.g. bottle/bottle) is not meaningful for most packaging as it would lead to negative environmental and economic consequences. In the case of paper based packaging and beverage cartons, such type of approach would mandate the use of fibres in the same products, even if the most suitable and sustainable use of the recycled fibres would be in another type of paper products. In addition, due to the food safety regulation the use of recycled fibres in food contact application, especially in the context of microbiologically sensitive products, it challenging and subject to EFSA authorisation. Essentially the objective is to ensure that the material recycled finds its way into new products in the most sustainable way.

Nowadays, all fibres recycled find their way into new products as demonstrated by the high recycling rate for paper based packaging (82%). The need of a given material (plastic) to access recycled material should not impact well-functioning recycling value chains. The way to address the latter need can be through specific requirements in the DfR Guidelines for plastic bottles.

ACE does not support a close-loop and unique definition of high-quality recycling in the Regulation and calls for ad-hoc and category by category approach in the preparation of the DfR Guidelines for specific materials and categories as listed in the Annex 2 Table I.

ACE calls for:

- **an open loop approach to recycling and potential definition of high-quality recycling in the DfR Guidelines.**

2. DESIGN FOR RECYCLING GUIDELINES – Need for a transparent, technical and evidence based approach

Design for Recycling Guidelines criteria are paramount as they will determine the future of specific packaging formats as well as their performance, together with the ability to put them on the market.

In order to ensure fair treatment among all packaging, **the definition of technical details should not be part of this Regulation but addressed in the DfR Guidelines (de facto negative list but based on technical sound knowledge). Therefore, ACE calls for an empty list of parameters which will be define in the DfR Guidelines.** We believe that a non-evidence based list of parameters would stifle innovation and does not reflect today's state of technological development. An arbitrary list of parameters is contradictory to key Treaty principles including proportionality, the obligation to avoid errors of assessment, and could create an unfair advantage for one material over another (e.g. plastic over paper). Specifically, two-sided coated laminates are proven by different Design for Recycling Guidelines or standards, including those elaborated by [CITEO](#), [The German minimum requirements for recyclability](#) and the [Vienna University DfR](#) to be effectively recyclable and recycled.

ACE calls for:

- **The use of parameters and criteria which must reflect today's state of technological development and avoid errors of assessment.**
- ## 3. Enabling conditions for packaging to be recycled at scale – Need for a mandatory collection target.

Industry needs enabling conditions to ensure beverage cartons are recycled at scale by 2035. The first step to recycling is collection. It would be unjustified to ban packaging if not recycled at scale in 2035 while collection is collective responsibility and a multi-actor effort.



A mandatory collection target for all packaging - including beverage cartons - by 2030 is a critical pre-condition to allow efficient and effective collection, sorting and recycling in Europe. Where such a target exists (e.g. Belgium) beverage carton recycling is at high rates. In the case of beverage cartons, such a target would allow a significant increase in the recycling of beverage cartons that would provide many benefits including⁵:

- Significant savings of GHG emissions contributing to the EU climate neutral ambitions (ca 190 k tons to 340 k tons reduction per year).
- A contribution to the overall paper recycling rate and to Member States targets, contributing to the EU circularity objectives and goals.
- A level playing field for all packaging (beverage cartons are discriminated against vis a vis their main competitor (PET) that have a collection target set up in the SUPD).
- Increased traceability of recycling of beverage cartons.
- A harmonised collection target across the EU. The current situation is quite fragmented – some Member States have a collection target for beverage cartons, while others support an EU-approach to a collection target for used beverage cartons.
- An incentive to increase investments in sorting and recycling – predictability of volumes collected would be beneficial and complementary to our industry’s continuous investments on recycling.
- Administrative costs for Member States would be negligible as the responsibility for reporting and aggregating data is with Producers Responsibility Organisations.

DRS is a valuable system in countries where the existing selective collection schemes are unable to deliver high collection rates. However, DRS should focus on inclusion of all packaging formats regardless of the content they contain.

ACE calls for:

- **a 90% mandatory collection target for all packaging by 2030 as part of the upcoming Packaging and Packaging Waste Regulation.**

4. Exemption from reuse targets for microbiological sensitive products

Juice is a microbiological sensitive product⁶ that provides consumers with essential vitamins and nutrients and is consumed daily by millions of EU citizens as part of a healthy lifestyle.

Fruit juices and nectars, like milk products, are made with raw materials of agricultural origin. This makes them easily fermentable, perishable and sensitive to light and oxygen⁷. Their microbiological nature makes them more sensitive when compared to soft drinks or water, and packaging performs the crucial role of providing an effective barrier against entry of microorganisms and oxygen, light and loss of aromas. The ‘Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption’ does not allow to use of preservatives in juice⁸.

⁵ Roland Berger study, 2022 - <https://www.squareandcircular.eu/>

⁶ Definition of fruit juice - The fermentable but unfermented product obtained from the edible part of fruit which is sound and ripe, fresh or *preserved by chilling or freezing* of one or more kinds mixed together having the characteristic colour, flavour and taste typical of the juice of the fruit from which it comes. Annex 1 - Directive 2001/112/EC - <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02001L0112-20141005>

⁷ “Juice processing and preservation” in Fruit juices: extraction, composition, quality and analysis, ed. by G. Rajauria & B. Tiwari. 2018. Page 5.

⁸ Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02001L0112-20141005>



Using non-sterile packaging would result in fruit juices and milk spoiling in a very short time, which would create consumer food safety issues and food waste⁹.

To protect the microbiological sensitiveness of its products, the fruit juice industry largely uses packaging which best protects, transports and preserves its products, especially at ambient temperatures and to ensure a longer shelf life. The only reusable packaging, technically feasible for fruit juices, is glass. All others are unable to protect the product from spoilage. If mandatory reuse requirements and targets are set for the fruit juice industry, the only alternative will be to use heavy returnable glass bottles.

Reusable glass does not offer the same environmental and sustainability attributes and benefits as beverage cartons. The EC Impact Assessment accompanying the PPWR proposal calculates that switching from heavy packaging such as glass towards lighter alternatives would lead to a significant reduction in GHG emissions and water use¹⁰.

ACE calls for:

- **microbiological sensitive beverage, such as juice, not to be in the scope of mandatory reuse. Where the infrastructure is in place and the necessary sanitation systems are available some reusable options can emerge as complementary to single use packaging formats.**

5. Feasibility assessment of the recycled content targets for contact sensitive packaging.

Beverage cartons are composed mainly of fibres (about 75% on average), plastic and aluminium (for aseptic cartons). This composition allows safe use, transport, and storage which avoids spillages and allows long shelf life. ACE members have a commitment to produce beverage cartons from only renewable / and / or recycled content by 2030 provided recycled material is available on the market at economically viable prices and authorised for use in food contact applications. These two conditions are presently not met at scale. It is expected that the ambitious recycled content targets included in the PPWR proposal will make market availability even more challenging. **We are therefore very concerned that the 50% target for 2040 is unrealistic.**

Circularity and climate change mitigation should be mutually supportive, while remaining technology and material neutral. **The European Commission can do so by establishing an equivalence between biobased plastic content and recycled plastic content. This would also help mitigate the availability challenge.** Biobased plastic has the same properties as fossil fuel-based plastic but comes with the unique advantage to reduce the dependency on limited fossil resources and to reduce greenhouse gas emissions. Both plastic can be easily recycled in the conventional recycling plants.

The recycled content targets are currently expressed per unit of packaging which is likely to lead to unnecessary accounting challenges. The objective should be to ensure that recycled content for the plastic part of packaging increases across a packaging type.

ACE calls for:

- **A review clause (article 7.9) that stipulates that - if the Commission does not adopt a Delegated Act on the availability of recycled plastic for contact**

⁹ "Pathogens and spoilage microorganisms in fruit juice: an overview", B. de Cássica Martins Salomão, in Fruit juices: extraction, composition, quality and analysis, ed. by G. Rajauria & B. Tiwari. 2018. Page 291.

¹⁰ COMMISSION STAFF WORKING DOCUMENT - IMPACT ASSESSMENT REPORT
<https://environment.ec.europa.eu/system/files/2022-11/Impact%20assessment%20accompanying%20the%20proposal%20-%20part%201.pdf>



sensitive products and technology by the given deadline - the 2040 targets will not be mandatory.

- **The calculation method for the recycled content in the plastic part of packaging should be expressed for packaging formats and not per unit.**
- **The targets can be reached by using either recycled plastic content or biobased plastic content.**