

In view of the Working Party on the Environment meeting on 14 July, I would like to share with you our views on selected aspects of the Packaging and Packaging Waste Regulation.

Article 3 Definitions:

Definition of “recycled at scale”:

We would like to propose the following amendment (added below in grey in the Presidency text proposal as seen in the steering note). We believe that the proposed change better reflects the main objective, which is to ensure enough capacity of recycling infrastructure for a packaging type.

“collected and sorted packaging waste which is collected, sorted and accepted for recycling by PROs or by producers, in case of individual compliance with EPR obligations, and there are established processes and ed in through-installed state-of-the-art infrastructure and established processes in actual systems proven in an operational environment, covering at least 75 % of the packaging collected in a specific market/or the packaging placed on that market of the Union population. This including such packaging waste exported from the Union for the purpose of waste management which can be considered as meeting that meets the requirements of Article 47(512);”

Definition of “High Quality Recycling”

Recyclability should **not be linked with closed product loop requirements but with the quality of recycled materials and their potential to substitute primary raw materials**. Closed product loop requirements (from product application to same product application) may be beneficial for specific packaging formats that are underperforming in terms of recyclability. However, applying such requirements uniformly across all materials would be counterproductive, especially for materials like paper that already have an established market of secondary raw materials.

In the paper and board industry we efficiently recycle different paper products together and we use our secondary raw materials to make the same or a different paper product, what is important is that we **keep the materials in the material loop. Paper recycling is high-quality recycling, as paper products are recycled back into paper products.**

Paper for Recycling (PfR) is a valuable material in the paper industry. There is a well-established market for PfR with high demand and uptake. **In 2021, out of the 57.1 million tonnes of Paper for Recycling collected, 52.4 million tonnes were utilised to manufacture new paper and board products.** The current recycled content in our **paper and board packaging is 75%.**

We would like to propose an appropriate definition:

'high quality recycling' means any recovery operation, as defined in Article 3, point (17), of Directive 2008/98/EC, that ensures that the distinct quality of the collected and sorted waste is preserved or recovered during that recovery operation, so that the resulting recycled materials are of sufficient quality to substitute primary raw materials with minimal loss of quantity, quality or function;

Article 5 Requirements for substances in packaging:

Regarding the Presidency's proposal to provide the Commission with the mandate to restrict substances of concern (e.g. PFAS) in packaging, if a restriction under the REACH has not been adopted on duly time. We understand the concerns raised by some Member States but we would like to highlight that the PPWR is not the appropriate piece of legislation to address this provision. The appropriate place to address chemical legislation is REACH. Its revision has been announced and the European Commission is currently working on the text, proposing restrictions on the use of chemicals in other pieces of legislation prior to the revised REACH would be premature and create legal uncertainty.

Article 6 Recyclable packaging

Under point a, paragraph 4 of article 6, we would recommend **removing “... for packaging”** from the proposed text of the presidency. That is to avoid a closed product loop requirement for high quality recycling.

Recyclability of packaging should be assessed according to the design for recycling criteria and on the basis of the potential of secondary raw materials to replace primary raw materials. Imposing closed product loop requirements will bring no benefits in the quality of recycling but an unnecessary burden on established and well-functioning recycling systems. Please see our detailed justification under the definition of high quality recycling.

Annex II Recyclability performance grades and parameters for design for recycling:

With regard to the recyclability performance grades outlined in Table 2 of Annex II, we recommend retaining the Commission proposal as it is, with two columns and quantitative thresholds, without the inclusion of descriptive text. The addition of descriptions that make assumptions about the recyclability performance of packaging is better suited in the provisions about the design for recycling criteria.

Furthermore, introducing recyclability parameters prior to the drafting of the Design for Recycling criteria is counterintuitive and again makes presumptions on the recyclability performance of packaging applications before their assessment according to the criteria. The parameters need to be either material agnostic or need to be set per material category; specific parameters/criteria need to be listed. **Nevertheless, if kept in the Annex they should better set the overall principles and provide guidance for the DfR criteria rather than already drawing conclusions on recyclability.**

The paper and board industry is placing products on the market packaging that are fit for purpose and highly recyclable. There is an existing standard (EN643) to define grades of paper for recycling.

Article 7 - Minimum Recycled Content in plastic packaging:

To ensure consistency with Annex II Part A on Packaging Categories and clarity to the recycled content targets in Article 7, we propose to include in the PPWR a **definition of plastic packaging in which plastic is the predominant material (i.e., packaging containing more than 50% plastics).**

Article 26 - Re-use and refill targets

We would like to strongly emphasise that the exemptions for cardboard put forward in the Commission's proposal should be retained in Articles 26(10), 26(12) and 26(13) (grouped packaging, and transport packaging between sites of one economic operator (EO) and between two EOs within the same MS). Without these exemptions, the reuse targets would put on the market an unprecedented amount of plastic packaging. The exemptions are important to ensure a level playing field with renewable and highly recycled packaging. Furthermore, the reuse targets introduced under paragraphs **26(12) and 26(13)** are too high and there is need for an exemption when economic operators use transport packaging for which recycling is organized by the economic operator and it can be demonstrated that recycling works at scale in practice.

We would propose the following text:

Article 26 – paragraph 13 a (new) :

13a. Economic operators shall be exempted to fulfil the targets of paragraph 1 to 13, if they can prove, in accordance with Article 4 (2) of Directive 2008/98/EC, that single-use packaging has a better environmental footprint than comparable re-use systems, or if the used packaging material reaches a minimum recycling rate of 80% at EU level by 2030, as calculated in Article 47

While lowering the target and splitting it by 2030 and 2040 in Article 26.1 (large household appliances) is generally a positive development, we think that it is more appropriate to include an exemption for cardboard, as reusable packaging for such appliances means invading the market with plastic packaging, which will increase the dependency on fossil resources and the negative environmental impact as outlined above.

Furthermore, it is important to **consider exemptions for single-use packaging when the life-cycle analysis demonstrates an equal or better environmental performance** when compared to reusable packaging (including in Article 26.3 and Article 26.4) .

Last, to **safeguard the functioning of the EU internal market**, it is important to keep a harmonised approach on reuse targets across all Member States. **It is better to avoid adding the wording “at least” before all reuse**

targets as this would set minimum reuse targets at EU level allowing divergent systems and targets across Member States, thus hindering functioning of the internal market. In addition, adjusting the threshold in Article 26(14) and 26(15) by changing the wording from “shall” to “may” would allow the creation of different systems and exemptions across Member States and would be detrimental for the EU single market. One of the primary goals of this revision is to create harmonisation, not divergence. We think that Commission proposal should be maintained.

Article 10 - Reusable Packaging

We see appropriate that the number of rotation needed to ensure CO2 offset needs to be determined in the legal text.

We remain at your disposal for any questions you might have.