Revision
of the Packaging and Packaging Waste Directive

FINAT
2 June 2021

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Agenda

- **Political context (new CEAP) for the revision of the packaging legislatin**

- **Background – Packaging and Packaging Waste Directive (1994/62)**

    - **Objectives and legal basis of the Directive,**

    - **last revision**

- **Intervention logic for the upcoming revision of the packaging legislation**

    - **problem tree**

    - **objectives**

- **Short overview of the measures that are being impact assessed**

- **Measures specific to labelling**

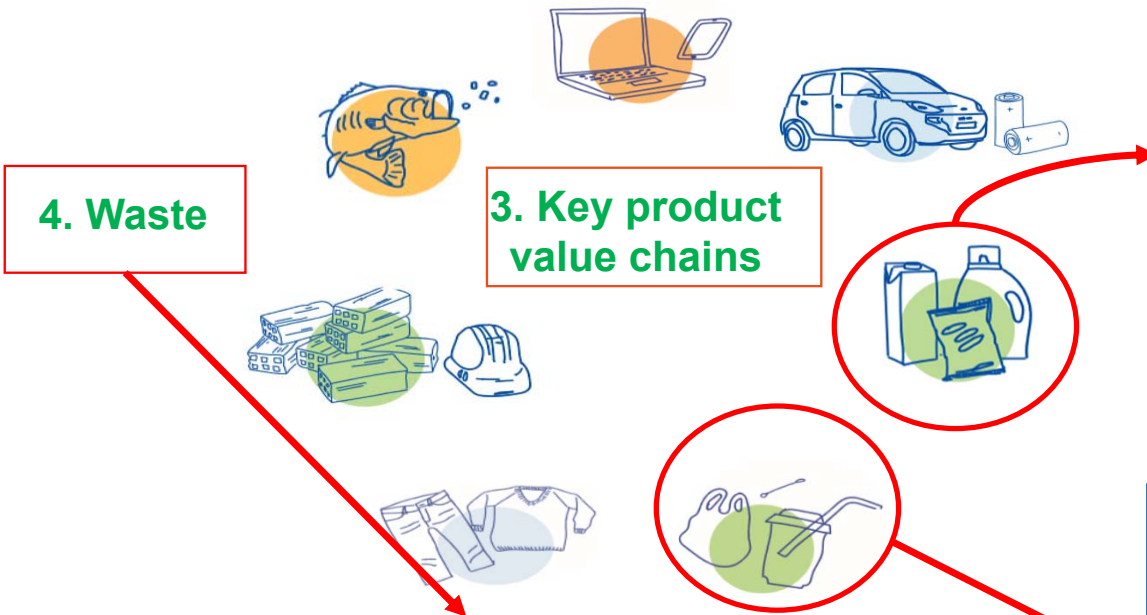- **Timing for the adoption of the proposal for revision**

This presentation is not about the question if labels are packaging

Annex I PPWD:
packaging are:
- labels attached directly to a product
- sticky labels attached to another packaging item

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Revision mandate and 2020 CEAP

4. Waste

3. Key product value chains

3.3. Packaging: all packaging on the EU market is reusable or recyclable in an economically viable way by 2030

Reinforce the mandatory essential requirements for packaging + consider other measures to

- **reduce (over)packaging and packaging waste**
- **drive design for re-use** and **recyclability**
- **Reduce the complexity of packaging materials**

EU-wide labelling that facilitates the correct separation of packaging waste
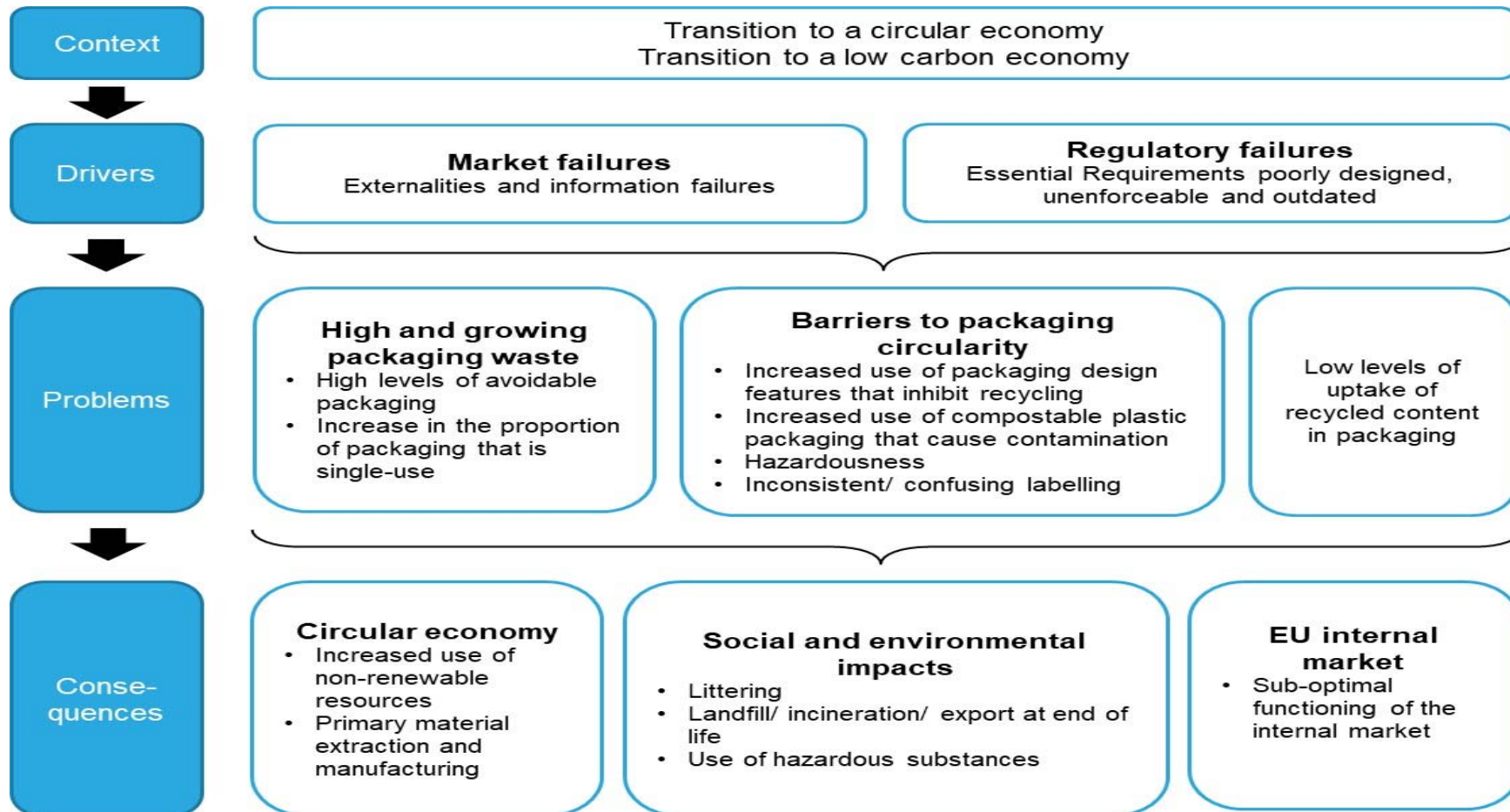
3.4. Plastics

- **Mandatory requirements for recycled content and waste reduction measures for key products, e.g. packaging**
- **Policy framework on sourcing, labelling and use of bio-based plastics and biodegradable or compostable plastics**
- **Implementation of the SUP Directive (harmonized concepts, labelling, measuring of RC in products and Plastic Strategy**

4.1. Less waste more value

- Harmonization of the separate waste collection systems
- 50% reduction of residual MW by 2030
- Guidance on EPR fees (Implementing act?)
- **Prevention and recycled content** in packaging, batteries, ELVs, EEE and high quality recycling

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Directive 1994/62/EC on Packaging and Packaging Waste

- Internal market directive with double objectives: **environment + internal market protection**

- **Last revision** of the waste legislation: **4 July 2018**; transposition deadline 5 July 2020: 23 infringements launched for PPWD

- **New packaging recycling targets (Overall PW: 60% by 2025; 70% by 2030 + material specific targets)**

- **New calculation rules:** only waste that **enters the recycling operation or waste that has achieved EoW status**

- **EPR schemes** (clarified + strengthened; eco-modulation of fees + mandatory schemes for PW by 2024)

- **obligation on MS** to adopt **waste prevention and reuse measures** (Art. 9 WFD; Art. 5(1) PPWD)

- **Revision clauses**:

- Commission to examine "**the feasibility of reinforcing the essential requirements** with a view to, inter alia, **improving design for reuse** and promoting **high quality recycling**, as well as strengthening their **enforcement**

- **By 31 December 2024**, the Commission shall (…) consider the feasibility of setting **quantitative targets on reuse** of packaging, including the calculation rules, and any further measures to promote reuse of packaging.

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Problem tree – *working draft!*

Context
Transition to a circular economy
Transition to a low carbon economy

Drivers

Market failures
Externalities and information failures

Regulatory failures
Essential Requirements poorly designed, unenforceable and outdated

Problems

High and growing packaging waste
- High levels of avoidable packaging
- Increase in the proportion of packaging that is single-use

Barriers to packaging circularity
- Increased use of packaging design features that inhibit recycling
- Increased use of compostable plastic packaging that cause contamination
- Hazardousness
- Inconsistent/ confusing labelling

Low levels of uptake of recycled content in packaging

Conse-quences

Circular economy
- Increased use of non-renewable resources
- Primary material extraction and manufacturing

Social and environmental impacts
- Littering
- Landfill/ incineration/ export at end of life
- Use of hazardous substances

EU internal market
- Sub-optimal functioning of the internal market

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Objectives – *draft*

	A well functioning internal market	Tackling negative impacts from packaging on environment	
General:			
Specific:	Ensure free movement of packaging and packaged goods	Ensure a well-functioning market for secondary materials	Ensure reduction in packaging waste generation
Operational:	Clear, enforceable EU level requirements on packaging	Drive design for reuse and recyclability of packaging (align requirement accordingly)	

Intervention Areas

Waste prevention

Reuse

Recyclability

Recycled content

Compostable packaging

Green Public Procurement

Data and enforcement

Hazardous substances

- Possible measures grouped into 8 "Intervention Areas":

- Based on the problem tree to reach the objectives

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Some notes …

- For some Intervention Areas **the list measures needs some further consideration**

- Due to the complexity of the file **the definition of the measures can only be done through an iterative process**

- The grouping of the measures into different **policy options** will be done at a later stage.

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1. Packaging Waste Prevention - draft

- Clearer definition of over-packaging, revised mandatory critical area criteria

- Mandatory MS-level "top-down" reduction targets (kg per person per year: e.g. 10% reduction; excluding reuse targets)

- [Best in class weight limits by fine-grained sub-category, initially only for glass packaging]

- Void space threshold limit (%) for e-commerce (maybe also toys, cosmetics, DIY)

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2. Re-usable packaging - draft

- **MS level reuse targets for selected product/packaging groups** (bottom-up)

- **MS level top-down reduction targets** (kg per person per year: e.g. 10% waste reduction due to reuse, in addition to WP targets)

- **Standardization** of reusable packaging and effective reuse systems:

  - update of existing standard EN 13429:2004 for effective reuse systems;

  - definition and standardization of reusable packaging (formats);

  - definition and standards for reuse system

- Requirement for all reusable packaging to be **labelled as reusable** (harmonized EU approach/logo)

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a. Labelling for reuse of packaging

Problem

- Drop in the use of re-usable packaging overall Europe

- Consumer engagement and understanding is key to implement more reusable systems and increase reuse of packaging

Measures:

- **Requirements for the use of a harmonized EU label** (related to compliance with the legal requirements, which need to be re-defined to make clear that it is linked to the existence of reuse systems);

- **Minimum standard for the label** itself

- voluntary v. mandatory (required for all reusable packaging or just a prohibition to not use another symbol for the same)

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3. Recyclable packaging - draft

- **Definition of the term "recyclable" packaging:**

  - qualitative definition; ("*in an economically viable manner*"?)

  - DfR criteria;

  - recycling rate approach

- **Harmonization of EPR fee modulation criteria** for recycling (aligned with the definition above)

- **Updates of Essential Requirements:**

  - all packaging shall be reusable or recyclable (no recovery);

  - all reusable packaging also recyclable (exemptions)

- **Harmonized standards for labelling of recyclable packaging** (information on materials; disposal instructions; restrictions on the use of confusing labels)

b. Labelling "recyclable" packaging

One Planet Network Study

Problem:

Consumers have a key role in recycling (quality, quantity) BUT
Consumers' are confused with all the labels

Underlying problems:
- lack of harmonization of separate waste collection and sorting
- lack of clear and harmonized definition of recyclable packaging
- too much information; some not targeted at consumers, some looking the same meaning different (theoretical recyclability, end-of-life disposal, EPR eligibility, environmental claims

Problems likely to continue and increase (dynamic nature of packaging market)

Measures:

(1) **European harmonized design for any label on packaging intended to indicate it as recyclable**
(2) **Marking indicating the nature of packaging materials (clarity as to the mandatory nature of related Commission Decision 97/129**
(3) **Labelling to indicate correct disposal route (feasibility being assessed under the imitative to harmonize separate collection of waste)**

Claim	Key Findings
Made from Recycled Plastic	› Different ways of calculating make comparability difficult. › Can be confused with recyclable.
Made from Ocean Plastic	› Lack of consistent use of terminology and definitions. › Brings awareness to the problem in a way that connects with consumers' concerns. › Emphasises a lower-priority solution.
Recyclable	› Use of universal recycling symbol is not regulated. › Actual recyclability relies on accessibility of infrastructure, which is not universal.

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4. Recycled content in packaging - draft

- **Targets on economic operators or as an essential requirement** (?)

  - Application specific targets/essential requirements for a small number of plastic packaging types (5-10)

  - Overall plastic polymer specific targets or essential requirement

- **Reporting requirement** for recycled content in packaging

  - for packaging obligated under targets

  - for all packaging

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5. Compostable packaging - draft

- **Update the Essential Requirements (Annex PPWD)** (and the existing standard EN 13432:2004) to better specify the concepts of biodegradability and compostability

- **Criteria for beneficial use of compostable packaging** (where compostable packaging is likely to bring added value, i.e. "priority compostable packaging"

- For priority compostable packaging, **ban conventional plastics** ?

- For other areas: **ban compostable packaging** ?

- Harmonized **labelling and/or watermarking** requirement

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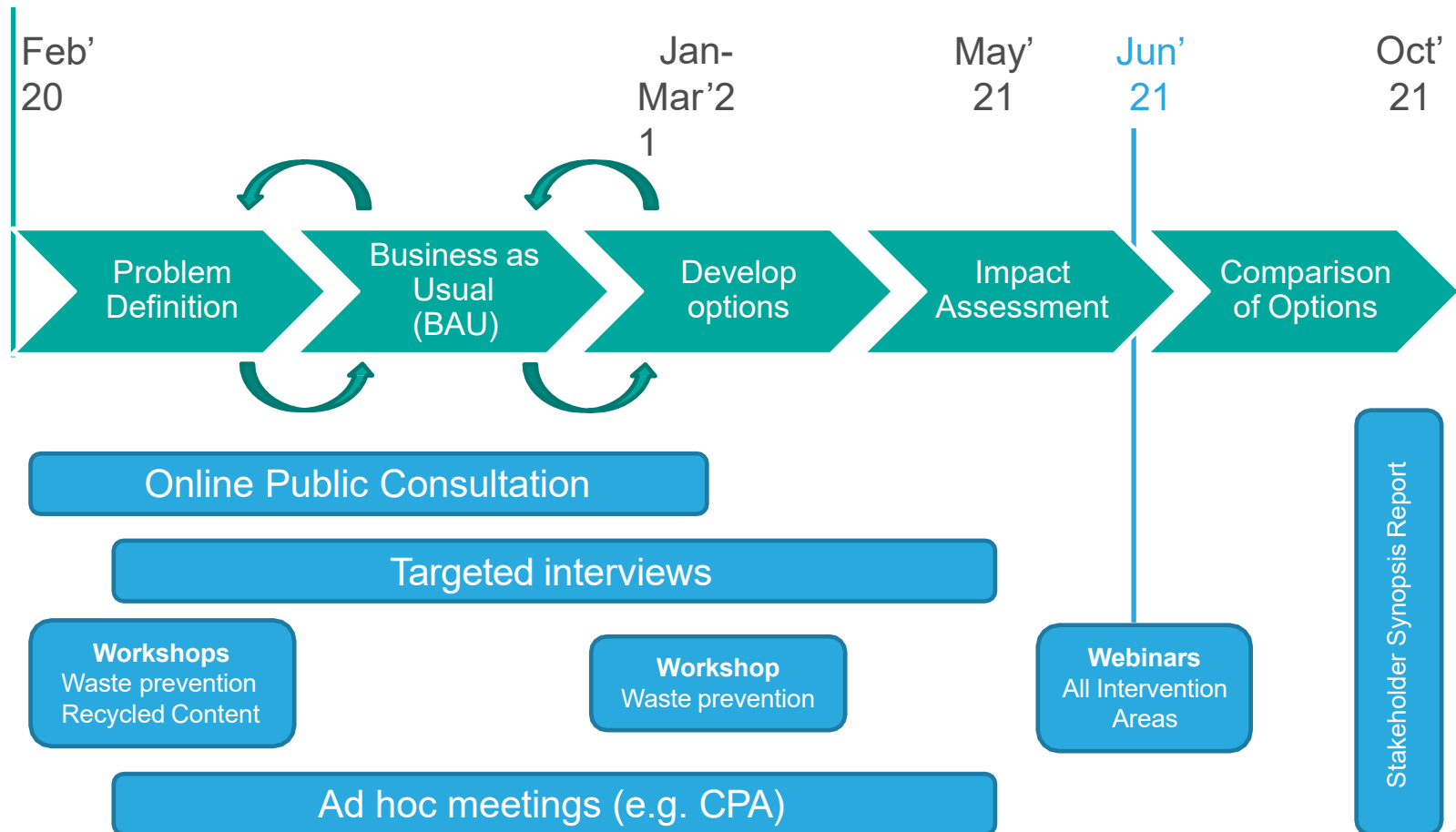
c. Labelling and compostable packaging

Problem:

- Labelling often confusing to consumers:
  - "bio-based" interpreted as biodegradable or compostable
  - compostable/biodegradable: discrepancy between labelling and available composting infrastructure;
  - Biodegradable: No clarity in which environments it would biodegrade
  - Compostable: No distinction between home- and industrial composting

- Labelling not providing instructions on disposal (related to non-harmonized collection practices)

- Lack of adequate collection and treatment systems

- "licence to litter"

Measure:

- Requirement to **label packaging as compostable using a harmonised EU symbol design**
  - If certified compliant with the EU harmonized standards
  - Exemptions for packaging where labelling is not possible (too small)

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Timelines and engagements

| Feb' 20 | | Jan-Mar'21 | May' 21 | Jun' 21 | Oct' 21 |

| Problem Definition | Business as Usual (BAU) | Develop options | Impact Assessment | Comparison of Options |

Online Public Consultation

Targeted interviews

Workshops
Waste prevention
Recycled Content

Workshop
Waste prevention

Webinars
All Intervention Areas

Stakeholder Synopsis Report

Ad hoc meetings (e.g. CPA)

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refuse

share

reuse

return & collect

sort

recycle

Thank you for your attention!

https://op.europa.eu/s/n3Ru (ER Scoping study)
https://ec.europa.eu/environment/waste/packaging/index_en.htm
http://ec.europa.eu/environment/circular-economy/index_en.htm

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Labelling on packaging – problem tree

Environmental impacts from primary material extraction and manufacturing

Increased use of non-renewable resources

Environmental impacts of reduced recycling rates and quality of recycling

Inconsistent/ Confusing Labelling of Recyclable Packaging

Inconsistent definition of "recyclable" packaging

Too much information on packaging

Shortcomings in collection/ sorting Infrastructure

Lack of "smart" sorting technology to efficiently identify target materials

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