

# SMEUnited's views on the Review of the requirements for packaging and other measures to prevent packaging waste

## General considerations

The Commission plans to review Directive 94/62/EC on Packaging and Packaging Waste in order to improve the limited competitiveness of secondary materials from recycled packaging relative to virgin feedstock in view of its quality and availability and to address the increase in packaging waste generation. The revision should also help Member States achieve recycling targets as agreed in the 2018 waste legislative package in a cost-effective way.

SMEUnited believes that the following principles should be at the basis of this revision:

- ✓ As a guiding idea, the directive should focus on high impact sectors such as the food, beverage or cosmetics industry as well as retailers. Niche production mainly driven by SMEs, for example in local bakeries, is only a very minor part of the increasing waste streams;
- ✓ According to the waste hierarchy, we need to focus on prevention first. One of the lowest hanging fruits is to prevent oversized packaging for marketing reasons. The new directive should provide clear guidance to producers and retailers – considering the aforementioned point – so that packaging unnecessarily filled with gas or other fillers is prevented;
- ✓ Fundamentally, packaging should fulfil its purpose with the least possible use of resources (it should be "fit for purpose") and prevent damage to packaged products, such as the unnecessary spoilage of food;
- ✓ It is also essential to take into account the requirements of logistics. This means that product protection during transport must also be considered. It is clear that transport requires more packaging material to ensure that the goods arrive at the customer's premises without any damage;
- ✓ The definition of packaging waste in the revised directive should better reflect the waste hierarchy so that packaging waste is defined as what remains after reuse, recycling or incineration with energy recovery;
- ✓ Ensuring that possible preventive measures against packaging waste respect the functioning of the internal market and the free movement of goods;
- ✓ Fair competitive conditions should apply equally to all packaging materials in order to have a level playing field in the Internal Market;
- ✓ Ensuring the effectiveness of mechanisms to enforce compliance with essential packaging requirements, while minimising the administrative burden at the same time;

- ✓ Ensuring that third-country imports are subject to the same regulation as packaging and packaging waste produced in the EU. Should this not be the case, it will result in massive distortion of competition in trade, apart from the negative impacts on the environment;
- ✓ General, non-differentiating targets for the reduction of packaging waste are counterproductive and should be avoided;
- ✓ The best method of waste prevention is to keep recyclable packaging in the cycle and to strengthen its recyclability. A more sustainable design of packaging would support this process;
- ✓ Prohibiting the use of specific types of packaging such as disposable packaging is not a sustainable solution. Disposable packaging is made of different materials, which also have different impacts on the environment. Recyclable packaging should be exempted from restrictions or bans. Especially in contact with food, disposable packaging has clear advantages in terms of hygiene and protection. **More in general**, rather than imposing stricter constraints, it would be useful to develop tools and incentives to guide businesses towards the most efficient solutions.

## Considerations on some specific measures

### Requiring all packaging to be reusable or recyclable

This measure is essential for closing the loop. Only if care is taken in the design of the packaging, it will be possible to recycle these materials to a large extent. It is important in this context that individual components can be easily separated during the sorting or recycling process. This calls for a proactive role of Member States in accelerating technological innovation in both the upstream design phase and in the downstream technologies.

We support a uniform and practicable definition of "recyclability" for packaging. This should above all aim at high quality recycling. These new requirements are also to be observed and to be monitored for products coming from outside the EU.

### Promote the varietal collection of certain waste streams

One of the major factors for high grade recycling is a varietal collection of packaging waste, for example of glass, paper or plastics. The directive should promote the varietal collection and help to prevent overly mixed waste streams. For certain streams, such as plastic beverage containers, separated collection systems can help to introduce bottle-to-bottle processes, fully closing the material loop. For example, deposit schemes for plastic beverage containers as well as separate plastic blue "PMD-bags<sup>1</sup>", showed that such approaches at national level leads to a varietal collection providing high-grade secondary raw material for closed loops.

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<sup>1</sup> The acronym "PMD" in Belgium stands for Plastic packaging, Metal packaging and Drink cartons

## **Reducing the complexity of packaging materials including the number of material and polymers used**

This measure will also contribute to an increase in recycling. Important in this context is also that there are EU-wide specifications. Individual Member States must not be allowed to make their own specifications. This is the only way to ensure that packaging is considered "recyclable" throughout the EU. As before, these requirements must also be controlled in the case of imports from third countries. Moreover, the 'reduction in the number of materials and polymers used' should necessarily be linked to certain types of packaging, for which the principles of food safety, hygiene, proper food preservation and transport safety apply (e.g. transport of dangerous goods). Consideration must also be given to the economic and environmental aspects of reducing certain packaging materials in favour of others.

## **Introducing recycled content targets for specific packaging formats**

The specification of a target for the percentage of recycled material that must be used in a specific new packaging format is, from the point of view of waste management, to be supported, but a feasibility study must be carried out to determine what the percentage should be. There is a risk of undermining a well-functioning system for the production, use and recycling of, for example, fibre-based packaging. Usually, depending on the purpose and type of packaging, a certain proportion of virgin material must be added. From the point of view of waste management, the setting of such quotas is particularly important because the market situation can change.

The mandatory quotas are important to achieve the goal of the circular economy. Furthermore, the introduction of such quotas would also send a positive signal to waste treatment companies that investments in sorting and treatment will pay off. However, before such quotas are envisaged, the accompanying legal provisions, e.g. for food contact materials, must also be adapted to enable the use of recycled materials.

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