

6 August 2020

## FEAD feedback to the Initiative on the Review of the Requirements for Packaging and Other Measures to Prevent Packaging Waste

FEAD, the European Federation for Waste Management and Environmental Services, representing the private waste and resource management industry across Europe **welcomes** the EC initiative on the review of the requirements for packaging and on other measures to prevent packaging waste and considers it of the utmost importance in achieving a fully circular economy in the EU.

FEAD key messages include:

- **Improvement of design for re-use and recycling**
- **Strong pull measures for recycling: mandatory recycled contents, green public procurement**
- **Promotion of high-quality recycling through public support for selective collection schemes and investment for sorting**
- **Consideration given to the need for residual waste treatment. Selective collection of packaging still mixes a variety of packagings and materials (e.g different types of bottles for beverages/food packaging, food/non-food plastics collected together) which are not all recyclable and need treatment.**
- **Consideration on how to enable an increased content of recycled materials in food contact material**
- **Strengthening of the enforcement towards meeting the above**

### A. Review of the Requirements for Packaging

With regards to the Review of the Requirements for Packaging, we have identified the following **criteria** to be considered in reviewing and revising the essential requirements for packaging. These criteria have been subdivided into three distinct sections, namely: (1) Product Design, (2) Market Issues, and (3) Issues with Current Technology.

#### 1. Product Design

##### 1.1 Composite Layer Issue

Complex multilayer packaging contributes to a high amount of non-recyclable waste. Particularly when composed of different materials, composite layers of packaging increase the physical and chemical complexity of products. This complexity causes difficulties in recycling facilities (e.g. multilayer packaging present in recyclates can cause colouring of plastic products and change their chemical, physical and mechanical properties). The issue of packaging with composite layers is a key concern and must be addressed in the forthcoming study.

### **1.2 Need for Global Eco-Design Guidelines**

Well-constructed global eco-design guidelines requiring specific designs which reflect recycling standards will increase homogeneity of waste streams, in turn promoting high quality recycling. Therefore, partnerships between producers and waste management organisations must be established to facilitate recyclability of products as well as financial incentives for products designed in accordance with eco-design guidelines.

### **1.3 Lightweight Packaging**

Lightweight packaging is problematic for recycling facilities, particularly when waste is sorted by weight. Small plastic components of products could technically be recycled, but it is expensive and impractical to do so. As an example, coffee pods are currently rejected by waste treatment facilities as contaminants for the afore-mentioned reasons. It is therefore essential to conceive packaging in such a way as to facilitate its recyclability.

### **1.4 Additive/Colours Issue**

Certain additives in polymers could present challenges for recycling. For instance, basic molecules could be incapable of being broken down where certain additives are present, or a collection of various additive-containing packaging could hamper recycling of plastic packaging. In addition, it is problematic to sort coloured packaging (e.g. black, red) as it is often not recognised by optical systems. Additionally, it is impossible to produce plastic recyclates with a given pure colour from coloured polymers. One of the potential solutions to this could be a “modulation fees system”, which would levy fees upon producers who create packaging which is hard to recycle. A balance must be struck between recyclability of the packaging and innovation, marketing and functionality.

### **1.5 Chemical Issue**

As long as hazardous substances can be placed on the market legally by manufacturers of virgin raw materials, recycling companies will at some point in time have to deal with those “legacy substances”. The long-term policy goal should be to achieve toxic/risk free material cycles, but this should start at the initial design stage where products enter the material cycle for the first time. While ambitious targets push for more recycling in terms of quantity, a qualitative approach is also needed, as recyclers are investing in downstream parts of the value chain. This investment will only be made possible by the proper implementation of the existing international and European legislation (REACH, RoHS, POPs) at all stages and by all actors, with the aim of phasing out the use of these substances. Regarding the treatment of waste containing specific substances, it is crucial that the EU proposes clear, legally certain, and appropriate rules. Our sector has been asking<sup>1</sup> for them for several years now, responding in 2018 to the public consultations on the “interface between chemical, product and waste consultation”<sup>2</sup> that a precautionary approach should be implemented. FEAD members hope that the continuing work on an improved interface between waste, chemicals and products will handle the afore-mentioned issues.

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<sup>1</sup> <https://www.fead.be/images/FEAD---Position-Paper-on-Interface.pdf>

<sup>2</sup> <https://ec.europa.eu/info/sites/info/files/summary-report-public-consultation-chemical-product-waste-legislation.pdf>

### **1.6 Biodegradable, oxo-degradable and bio-based packaging<sup>3</sup>**

FEAD supports the use of bio-based plastics as long as they are not promoted at the expense of recycled plastics. Indeed, it is important to make a clear distinction, on the one hand, between bio-based and biodegradable plastics and on the other hand, between biodegradability and compostability:

- Today, some bio-based plastics do not biodegrade in bio-waste treatment plants and none degrade completely in the natural environment (including waterways). Compostable plastics do not degrade in anaerobic conditions (AD) unless followed by an aerobic process and given the difficulty to distinguish between compostable plastics and conventional plastics, even if they are correctly disposed of by the householders, they are likely to be sorted out at the composting plant and sent for recovery.
- Biodegradable plastics are also problematic when they are mixed with recyclable plastics as they do not have the same material properties and may impact the integrity of the recyclates. The use of biodegradable plastics must be so specific that the correct recycling route is clearly identifiable for the consumer/user. The mere risk that this might happen has already been known to discourage manufacturers to use recycled content.
- Biodegradable plastics also have a negative impact on littering. The biodegradation process takes weeks or even months. Further research and innovation to develop biodegradable plastics is therefore important. Plastic packaging with unconditional and quick biodegradable properties would indeed offer environmental benefits. Consequently, we see the promotion and widespread marketing of biodegradable materials at this stage as potentially problematic.

### **1.7 Features**

Reducing the use of features such as labels, printing, colours, glues, staples, covers, caps and content residues on a package is crucial and can increase the possibility of recycling and the value of the plastic.

### **1.8 Economically efficient recycling**

A recyclable packaging should be designed to be cost-effectively collected, sorted and recycled, in practice, with the available state-of-the-art technology. In achieving economically efficient recycling, large flows of recycling are required for the recycling process. Unfortunately, certain recycled plastics from packages are capable of being recycled, but there is limited demand for secondary raw materials (e.g. PS, mixed PET and film plastics other than LDPE). Therefore, mandatory recycled content for packaging is one of the solutions to create a market allowing investments, by increasing the flow of plastic packaging into the recycling sector. Additional instruments could help as well, for example better measures to encourage green public procurement, reduce VAT on products for which the packaging may be easily recycled and voluntary agreements in the private sector, in addition to economic incentives.

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<sup>3</sup> For a more extensive analysis regarding (i) the impacts of bio-based and biodegradable plastics on waste and (ii) how bioplastics can help achieve sustainability objectives, see FEAD's relevant position paper available here: [https://fead.be/images/2019/PositionPapers/FEAD\\_Position\\_Paper\\_on\\_biodegradable\\_and\\_bio-based\\_plastics.pdf](https://fead.be/images/2019/PositionPapers/FEAD_Position_Paper_on_biodegradable_and_bio-based_plastics.pdf)

**Mandatory recycled content** would not only contribute to pull the demand for recycled plastics but will also contribute to reward plastics recycling environmental benefits in terms of CO<sub>2</sub> and energy savings that the market currently fails to internalize. A strong demand for recycled plastics will only result from concrete binding rules, accompanied by economic measures to bridge the price gap detrimental to plastics from recyclates. Raising the collection performance of plastic bottles through deposit schemes or extended producer responsibility (EPR) is very important, but it will not be sufficient to create a solid European demand for recycled materials.

The EU legislator has already made the first necessary step in adopting rules for binding recycled content, taking into consideration the targets already set in the Packaging and Packaging Waste Directive. The Single-Use Plastics Directive requires 30 % mandatory recycled content in all beverage bottles by 2030, with an intermediary target of 25% in 2025 for PET bottles. This percentage will be calculated as an average for each member state. This is an essential component to ensure the success of the 90% collection target, to be achieved in 2029, as well as a huge step forward for stimulating the demand for secondary raw materials, and for driving the necessary investment in collection, sorting and recycling.

### **1.9 Difference between “recyclable” and “recycled”**

In the essential requirements of the Packaging and Packaging Waste Directive, it is crucial that the definition of “recyclable” is made clear. Indeed, material that is technically recyclable is not necessarily recycled, for practical and/or economic reasons and this confers the potentially false impression that the packaging will in fact be recycled. For instance, it is impractical for consumers to separate every different kind of packaging, for practical and economic reasons (e.g. not even all forms of existing multilayer packaging are alike in terms of recyclability, highlighting the variance found in product packaging and so, mixed packaging becomes impossible to adequately recycle because of unclear composition). Finally, regular revision of the definition should be allowed for to adjust for technological development.

### **1.10 Food Contact Requirements**

The current legislation about the use of recycled materials in food contact packaging is of such nature that more or less only recycled PET can be used in food packaging. It should be investigated how and under which circumstances the legislation can be changed to ensure a safe and growing share of recycled material in food contact packaging.

## **2. Market Issues**

### **2.1 Labelling**

The development of a common label showing the percentage of recyclates in plastic packaging would build trust between consumers and producers, eventually leading to an increase in consumer demand for products for which the packaging contains high levels of recycled content. When affixing to the packaging, it should be borne in mind that using glue would pollute the packaging material and better solution must be found.

### **2.2 Import Issue**

Products using plastic packaging imported into the EU should follow Community rules on the content of such packaging, which is not necessarily the case at present. The packaging of products imported into the EU ends up in the European waste management sector, creating potential for discrepancies between the additive and substantive content of packaging made in the EU and non-EU third countries. Such a discrepancy leads to a multitude of challenges for the waste management sector, given the differing chemical compositions of the packaging to be processed.

The language of the essential requirements of Annex II of the PPWD should be clear, facilitating interpretation for the producers of imported products. Strengthened enforcement of the essential requirements rules of Annex II should also be imposed, preventing third-country producers importing in the EU from deviating from the essential requirements. Such measures are necessary to ensure the transition to a circular economy.

### **3. Issues with Current Technology**

#### **3.1 Mechanical Recycling**

Post-consumer plastic waste can be very diverse, comprising a large range of material types, which are not always suited for mechanical recycling. Indeed, reaching high quality of recycled material is possible with the current technology, but it requires a closed loop (e.g. to achieve transparent plastic), better eco-design requirements (e.g. materials easily separated from packaging) and better compatibility between plastic types composing the packaging and the most commonly Near-Infrared (NIR) technique used in sorting and recycling facilities. Besides, currently, not all plastic packaging can be recycled. Alternative methods of recycling, such as chemical recycling, are still at an early industrial stage, all collection and sorting issues not being fully solved, neither energy/CO<sub>2</sub> balance related ones.

#### **3.2 Traceability**

Chemical traceability of plastic packaging is crucial, as information about the composition of the initial packaging is required for recycling. This information should necessarily be supplied by producers, with ECHA currently addressing this issue. Improved data collection is of paramount importance in the uptake of recycling of plastic packaging, in order to increase adequacy of recyclates in the waste stream. In addition, improved data collection can help to inform legal and financial instruments to trigger an increase in demand for secondary raw materials, thereby increasing cost efficiency of the recycling process and closing the loop into the circular economy. Nevertheless, FEAD points out that the SCIP data base needs to solve major issues, related to the fact that the database collects information related to products. Waste management operators definitely need to have more information on substances in *products*, but they may now face new technical issues as long as dealing with *waste flows* is not accompanied by clear waste management rules by flow, which could help in the usability of a huge amount of information.

### **B. Measures to prevent packaging waste**

Measures to prevent packaging waste go hand-in-hand with the **overall enhancement of recycling and waste prevention**, which can be strengthened by:

- **mandatory eco-design:** a true dismantlability and recyclability of products through targets and use of mandatory standards for products, reducing or phasing out chemical substances and preventing waste. A robust eco-design policy will be a key tool for the prevention of the generation of waste;
- **improving collection rates** by all means that request the MS to put in place appropriate schemes (door-to door collection, civic amenities, deposit and return schemes, etc..) at local and national level (i.e. for e-waste in order to boost recycling rates);
- **open markets:** household waste to remain accessible to private waste management, also industrial and commercial waste to stay within a fully open market. EPR schemes have to remain a tool for improving collection and recycling of some more difficult flows such as household waste but should not be substituted to performant B2B contracts, reflecting the polluter pays principle;
- **recognising the need for increased EU funds for investment in infrastructures** to scale up the volume and quality of recyclates;
- duly taking into consideration the need for resources and means to **promote and protect** re-use industry and means to support the “right to repair, refurb, durability, and the second life of products”;
- **phasing out** all substances of concern;
- adopting a balanced approach to **waste with chemical substances** by encouraging clear rules that give legal certainty to waste operators, and allow an appropriate balance between high recycling rates, and quality recycling.