

Views on the regulation on packaging and packaging waste

Introduction

Retailers and wholesalers support harmonising EU rules for packaging and a true Single Market for waste. We estimate that our sector needs to invest 10-20 billion Euro from 2023 up to 2030 to increase the circularity of packaging¹. The regulation should therefore support our members in their efforts and provide clarity and legal certainty.

We need a directly applicable Regulation with clearly defined, harmonised rules at EU level to avoid divergence between Member States, and to create a truly Single Market for Waste with better management and recycling. We call on the co-legislators to deliver legislation that ensures that the free movement of goods doesn't disrupt existing and well-functioning systems and provides achievable recyclability, reuse, recycled content and waste prevention requirements. This needs to include enabling and supporting actions and clear, timely deadlines, guidelines, transition periods and accompanying measures.

Key messages

Reuse (Article 26)

- **Reuse targets should be based on a neutral and science-based analysis of the entire value chain.** Only in case of proven environmental benefits of reusable packaging should concrete quotas be prescribed, whereby the environmental impacts of waste savings must be compared, such as for additional transport energy or carbon emissions.
- **Ensure proportionate, realistic and workable reuse and refill targets and requirements** and exempt reusable packaging from the empty space ratio requirement in Article 21.
- To support the rollout of efficient, convenient, and environmentally beneficial reuse infrastructure, subsidies and maintenance fees for the retailer/obliged economic operator should be granted and harmonisation and standardisation supported.
- **Key terms and concepts** (minimum number of rotations, reusability requirements, pooling, and distribution lengths) **need to be clarified** to allow for optimising storage and distribution processes.
- Enable and incentivise the use of packaging specifically designed for e-commerce by counting such packaging as a contribution to the target for reusable packaging of non-food items made available on the market for the first time via e-commerce and prioritize this solution before requiring reusable packaging.

Restrictions on use of certain packaging formats (Article 22 and Annex V)

- Avoid adopting restrictions for packaging for fresh fruit and vegetables until the implications for food waste and the environment have been properly assessed and **delete this restriction from the proposal**. The Commission should provide industry guidelines, in cooperation with

¹ Transforming the EU retail & wholesale sector report, 2022

EFSA, for offering unpacked fruits and vegetables to support the efforts already made by retailers, wholesalers and their suppliers.

- Clarify that the new restrictions enter into force in 2030 and not directly after the entry into force of the regulation.
- **Delete the restriction for shrink wrap** in Annex V and include “handling in distribution and transport” in the exemption granted for single-use plastic grouped packaging.

Labelling (Article 11)

- Our sector supports and welcomes the harmonised labelling on packaging proposed in Article 11 as this helps establish a new norm where all EU citizens will know how to effectively dispose of their packaging.
- **Define clear and proportionate roles and responsibilities for all the actors** across the supply chain regarding their labelling obligations, in line with activities under their control.
- Use the PPWR to boost digital labelling. Legislation should be technology-neutral to allow means other than QR codes to be used for labelling.
- **Give businesses at least 36 months to prepare** for new labelling requirements and start the transition period for labelling delegated/implementing acts only when they are final and published.
- Guidance on labelling requirements should be provided within 6 months of entry into force of the legislation, at the latest.

Harmonisation and free movement of goods (Article 4), sustainability requirements for packaging (Articles 6 and 7) and Extended Producer Responsibility (Articles 39 and 40)

- **Ensure harmonisation and free movement of goods** and keep the Internal Market legal base.
- Deadlines, guidelines, transition periods and accompanying measures need to be reasonable and give companies sufficient time to prepare for compliance.
- Adjustment of the recycled content obligation through further exemptions or lower ambition is necessary to ensure that the minimum amount of recycled content for plastic packaging is achievable by 2040 for both food and non-food packaging. **Attention must be paid to the availability of recycled material on the market to ensure targets can be fulfilled**; the targets should be re-evaluated by 2038, at the latest, if necessary.
- Strengthen and invest in the secondary raw material market in the EU to ensure that the necessary volume of recycled material (plastic, paper, cardboard) is available, affordable and of sufficient quality.
- **Clarify the timeline and implementation in articles 6 and 7** to ensure a common course of action for recyclability and recycled content by 2030; ensure that the Commission must adopt a delegated act on the method for calculating recycled content provided for in Article 7 (7) by 2026.
- **Harmonise Extended Producer Responsibility obligations**, including eco-modulation of fees; Streamline EPR requirements via a one-stop-shop-approach, ensure mutual recognition agreements between Member States and the EU Single Window Environment for Customs, to simplify compliance and to ensure uniform enforcement in the Member States; Allow a “pay-on-behalf” model for EPR fees for online marketplaces.
- Allow compliance with 40% void space at the company level, instead of at the level of individual product or transport packaging, by setting a detailed calculation methodology via technical specifications or implementing acts and include exemptions for fragile goods that require extra protection.

Contact:

Nick Dornheim - + 32 2 2 737 05 82 - dornheim@eurocommerce.eu

Transparency Register ID: 84973761187-60