Packaging & Packaging Waste Directive

5 RECOMMENDATIONS TO REINFORCE THE PPWD WITH PREVENTION AND REUSE MEASURES

The overall production of packaging and generation of packaging waste has been steadily growing over the past 20 years, reaching an impressive 88.4 million tonnes of packaging put on the EU market in 2017 according to recent Eunomia figures. This growth in packaging items sold has been driven by the wide adoption of single use packaging in product supply chains and subsequent distribution to end-users and consumers. These amounts are projected to continue increasing with rising population levels and associated consumption patterns, as well as industry practices with regards to portion sizing and presentation.

Data presented in the first stakeholder meeting for the PPWD review demonstrated that the rise in single use packaging has been accompanied by a dramatic drop in refillable and reusable packaging. In the absence of dedicated EU action, production and consumption patterns will continue following a linear model and not help reverse this wasteful trend. While industry efforts have so far focused on the lightweighting and recyclability of packaging at best, this direction of travel fails to serve the objectives of the European Green Deal, including its carbon neutrality targets and new circular economy action plan.

The following paragraphs outline the **Rethink Plastic alliance's 5 main recommendations to reinforce EU packaging laws with measures helping to reduce the amounts of packaging and packaging waste produced annually in the EU**:

1. Cap the overall number of packaging items put on the EU market

A circular economy can only function if it remains within planetary boundaries and the ever-growing trend of producing and consuming more is tackled. EU efforts to limit packaging waste generation cannot have an impact if companies are not driven to explore different ways of bringing their products to the consumer through alternative business models, including packaging-free and reusable solutions. An **overall limit on the amount of single-use packaging material put on the market**, potentially with 5 year review clauses to set higher ambition, could give companies the necessary incentive to opt out of single-use packaging and provide consumers with better solutions to buy the products they need.

2. Introduce specific targets per packaging type

Dedicated targets by packaging types can help implement the overall cap on packaging units sold into workable, sector specific targets. This type of policy intervention (in addition to other economic incentives, such as EPR) can help create a level playing field with disposable packaging, as today the latter does not internalise its associated costs. Based on an initial analysis, the below examples seem within reach in the short to medium term:

- **Beverage packaging**: Mandatory refill targets in the beverage sector are already in place in some countries. This is the case of breweries in Belgium, where beer bottles are customarily refilled and resold. This reuse and refilling system could easily be extended to a wider set of beverages, eventually covering all beverage packaging in the EU.

- **Transport packaging**: The environmental benefits of reusable transport packaging over one-time packaging are already known to be significant, and there are many companies implementing these systems, as listed in the report by the Reloop platform.[1] It also showcases significant economic savings to companies after making the switch to reusable transport packaging.

- **Tableware and food-containers**: This initiative was already announced in the New Circular Economy Action Plan,[2] where the Commission communicated its intention to determine the scope of a legislative initiative on reuse to substitute single-use packaging, tableware and cutlery by reusable products in food services. There are already many reusable solutions for the food sector, as described in the Rethink Plastic alliance's Reusable Solutions Report.[3] The potential role of Green Public Procurement to leverage a move to reusables should be stressed here.

- **E-commerce packaging**: E-commerce is expected to become the largest retail channel in the world by 2021, which also means a massive generation of packaging waste unless dedicated measures are taken. Reusable packaging for e-commerce has proven to be a simple solution to this problem. A good example is Repack[4] a closed-loop reusable system that can reduce ecommerce packaging waste by 96% while providing the same consumer experience as the disposable one. For more information read the Zero Waste Europe Case Study.[5]

- **Household products (e.g: detergent/shampoo/shower gel):** These products can already be found in a dispenser format at packaging-free shops around Europe.

- **Dry food products (e.g: pasta, rice, grains, etc.)**: Likewise, dry foods are the biggest

products sold in packaging-free shops. In many cases these products should be locally sourced to avoid environmental impacts coming from long distance transportation. Furthermore, the example of **frozen pick and mix** piloted by Waitrose[6] demonstrates that bulk sales do no need to be limited to dried goods.

3. Introduce packaging format standards in association with targets

The standardisation of certain packaging formats is often referred to as a main driver for the uptake of reusable solutions. Common sizes and typing of various assets such as bottles, containers, crates, boxes, and many other types of packaging can drive the implementation of the necessary system infrastructure to wash, store, track, and redistribute such items, as well as stimulate the development of deposit return systems and packaging free business models.[7] The 50 year anniversary of the German Perlenflasche[8] in 2019 provides an iconic example of standardised reusable design for water and soft drinks, which is reused around 50 times. Its standardised reusable plastic crate is also reused up to 100 times.

A high level of harmonisation in packaging formats, also called **'universal' packaging formats, can help a geographically wide acceptance of such packaging formats as they can be shared among different companies** to help avoid transport impacts to return reusable assets to their rightful owner.[9] However, in the absence of associated **mandatory sector-specific targets** to reach refill and reuse levels, producers will not be incentivised to set up common reuse schemes. This will result in a high risk of competition between different reuse systems which will lead to negative environmental impacts and contribute to consumer confusion.

1. Making the Switch: The Business Case for Reusable Packaging. Report by the Reloop Platform. Available at: https://www.reloopplatform.org/wp-content/uploads/2017/10/BusinessCaseReusablePackaging-MAY-181.pdf

2. https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1583933814386&uri=COM:2020:98:FIN (p15)

3. Reusable Solutions: How Governments can help stop single-use plastic production. Report by the Rethink Plastic Alliance. Available at: https://rethinkplasticalliance.eu/wp-content/uploads/2019/10/bffp_rpa_reusable_solutions_report.pdf

4. https://www.originalrepack.com/

5. The Story of RePack, A simple solution to the growing problem of e-commerce waste. Case Study by Zero Waste Europe. Available at: https://zerowasteeurope.eu/downloads/the-story-of-repack-a-simple-solution-to-the-growing-problem-of-e-commerce-waste/

6. http://waitrose.pressarea.com/pressrelease/details/78/NEWS_13/11137

7. Standards in the time of the European Green Deal: how standards can support the environment. Available at: https://ecostandard.org/wp-content/uploads/2020/04/ECOS-PAPER-Standards-in-the-time-of-the-European-Green-Deal.pdf

8. https://www.gdb.de/mehrweg/mehrwegsystem/

9. Reusable Solutions: How Governments can help stop single-use plastic production. Report by the Rethink Plastic Alliance. Available at: https://zerowasteeurope.eu/downloads/reusable-solutions-how-governments-can-help-stop-single-use-plastic-production/

4. Dissociate packaging from accomplishing several functions with selected bans

It is widely acknowledged that the primary function of packaging is to protect a product. This principle should be implemented in a strict manner to avoid unnecessary packaging e.g. packaged bananas or oranges when they already have a peel that protects them. Any other **functions companies tend to attribute to packaging are not only strongly disputable, but also actively preventing innovation towards more sustainable value chains and distribution systems** overall. This includes invented functions for packaging such as preventing food waste, rather than re-assessing how food stocks are being managed and distributed along value chains, including at home. This also includes product display and marketing functions of packaging that have been gradually introduced by companies to differentiate themselves from competitors based on unnecessary packaging layouts, apparent superior user-friendliness, or so-called convenience. Product branding should not rely on unnecessary material use, and companies should be pushed to find alternative ways of bringing products and services to consumers.

To achieve this, **selected bans on various packaging types could be explored**, such as bans on blister packaging for foodstuffs, clamshells, individually wrapped inert material or product, portion sized bottles and sachets, microwavable or oven-resistant trays, or containers which are designed to prevent them from being refilled (e.g. single use salt and pepper mills).

5. Enforcement of measures: keep governments accountable with mandatory reporting on reuse/refill efforts, access to justice, access to information and reporting mechanisms

The accomplishment of the objectives of the Directive is only possible if its provisions are effectively enforced and implemented. Given the enormity of the task, neither the Commission nor the Member States can carry this out without the collaboration of civil society and all the relevant stakeholders. Therefore, we propose that the Directive requires Member States to, in their transposition, set adequate mechanisms of public participation, access to information and access to justice to support the implementation and enforcement of the duties under the Directive.

These mechanisms should include:
• The publication of integrated, digitised and easy to access **databases** that provide information (volume, units, weight, end-of-life, chemical composition) about the packaging producers placed in the market, segregated by geography and undertaking responsible.

• Obligations for companies to keep said databases up to date and to respond to access to information requests by relevant stakeholders, including environmental NGOs.

• Obligations for Member States to, in their transposition of the Directive, enact **accountability mechanisms and penalties that are sufficiently dissuasive and proportionate** (and public), and require that these are applicable not only to the undertakings but also to the company directors that are ultimately responsible for any failures of compliance.

• Obligations for Member States to **enact mechanisms for receiving complaints from relevant stakeholders, including NGOs and other market participants**, where complainants have a right to receive reasons for the administrative decisions that are made following a complaint and have a right to hearing in the administrative process.

• Obligations for Member States to **make the decisions following these complaints subject to judicial review**, and to give relevant stakeholders - including environmental NGOs - standing in the judicial procedures and cost protection in line with the Aarhus Regulation.

• Obligation on Member States to draw up a **report on the implementation of the measures taken under this Directive** and especially Article 5 of EU directive 852/2018, as well as evaluation of the impact of those measures on the proportion of the packaging placed on the market each year in the Member State that is reduced in units, that is reused, that is recycled, that is incinerated or that is landfilled. The report, in accordance with the necessary format established via implementing act, shall be forwarded to the Commission and made accessible to the public. The report should also include the enforcement actions taken by the Member States during the reporting period.

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Rethink Plastic, part of the Break Free From Plastic movement, is an alliance of leading European NGOs working towards ambitious EU policies on plastics. It brings together the Center for International Environmental Law (CIEL), ClientEarth, Environmental Investigation Agency (EIA), European Environmental Bureau (EEB), European Environmental Citizen's Organisation for Standardisation (ECOS), Greenpeace, Seas At Risk, Surfrider Foundation Europe, and Zero Waste Europe. Together they represent thousands of active groups, supporters and citizens in every EU Member State working towards a future free from plastic pollution.