ZERO WASTE EUROPE

Feedback on the EU Packaging Regulation revision

Recommendations for an ambitious revision of the Packaging and Packaging Waste Regulation (PPWR)

Position Paper

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Contents

Zero Waste Europe welcomes the overall ambition of the European Commission's to encourage prevention and reuse of waste for the first time for a wide range of packaging types, in line with the waste hierarchy. Up to now, most EU policies have been focusing on managing waste (recycling) rather than avoiding its generation in the first place. That approach led to an ever growing level of packaging waste generation[1].

The European Commission's first Zero Pollution Monitoring and Outlook report[2], together with the European Environment Agency's zero pollution monitoring assessment[3], show that current pollution levels are still far too high: over 10% of premature deaths in the EU each year are still related to environmental pollution. This is mainly due to air pollution, but also to exposure to chemicals[4], which is likely to be underestimated. The pollution similarly damages biodiversity. Moreover, the presence of hazardous chemicals in products continues to hamper the recycling of materials. Therefore, the coming years up to 2030 will be critical in terms of establishing a harmonised regulatory and legislative foundation to reduce long-term chemical risks.

For this reason, although the proposal is going in the right direction by prioritising prevention and reuse of packaging, it needs to be more ambitious if the European Commission is willing to achieve the EU Green Deal goals.

These recommendations are complementary to the Rethink Plastic Alliance's position on the PPWR, whose alliance ZWE is part of.

1) General recommendations

a) Material neutrality approach needed

There is a need to address the boundaries of resource use regarding all packaging materials. Our consumption and production habits are clearly exceeding the boundaries of the planet when it comes to all types of resources. In fact, all packaging materials come with their respective impacts. Therefore, to avoid merely substitution of materials (e.g: from single-use plastics to single-use paper/aluminium/glass or from heavier to lighter packaging materials) **the proposal needs to address all packaging and packaging waste and from a material neutral perspective**. For instance, **we recommend that material-specific waste prevention sub-targets** are set, e.g. for packaging made of plastics, composite material, paper, glass and metal. We also recommend strengthening the measures, in particular, to the materials below:

[1] https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics
[2] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A674%3AFIN&qid=1670510444610
[3] https://www.eea.europa.eu/publications/zero-pollution/
[4] https://www.eea.europa.eu/publications/zero-pollution/health/chemicals

(i) Single-use glass is not properly addressed despite its great environmental footprint

Single-use glass has been given a noticeable privilege in the Commission's proposal: it is not only left out from mandatory deposit-return schemes (DRS), but the sector of spirit drinks were also discharged from the reuse and refill targets for the beverage sector. Such privilege for glass packaging is unreasonable given that **single-use glass has the highest overall environmental footprint compared to other single-use materials**[5]. Also, its life-cycle and waste management is still far from being circular[6].

On the other hand, glass is a material with a very high potential for reusability (e.g.: reusable glass bottles easily reach 25-30 rotation cycles) and recyclability if it is inserted in a well-designed closed loop system. Therefore, as a basic premise, **glass packaging must be part of a deposit-return system (DRS) to achieve the 90% separate collection target** and ideally, it should be part of a reuse system given the materials performs at best being reused, and at its worst being single-use (environmentally speaking).

To help ensure material neutrality for packaging, we recommend setting a **90% EU-wide separate collection target for recycling for all beverage packaging by 2040,** including plastic bottles, metal cans, glass bottles and other recyclable beverage containers. **It is important, however, that this target is accompanied by strong design for recyclability requirements and proven ability to recycle at scale into high quality secondary raw materials** (e.g: recycling infrastructure in place).

We believe that setting a 90% separate collection target will not only ensure investments are made into implementing effective mechanisms to ensure 90% is collected (likely through DRS), but also to improve the design of packaging, ensuring the materials collected are re-circulating into closed loops. All beverage containers should be effectively and efficiently reused and/or recycled (at scale), and this target will ensure packaging is back into a closed-loop application[7].

(ii) Paper packaging - the false 'renewable' solution

Over the last decade the paper consumption growth in Europe has been driven in its majority by packaging, with half of all paper being now used for packaging[8]. Paper and cardboard was the main packaging waste material from 2009 to 2020 (32.7 million tonnes in 2020)[9]. After the adoption of the Single-use Plastics Directive (2019)[10] there was also a big shift towards paper packaging, and when the COVID pandemic hit in 2020, there was a boost on online sales and e-commerce packaging relying mostly on paper and cardboard. Riding on this wave, the paper/pulp packaging industry has invested in LCA studies to promote the sustainability of their products, also in view of the revision of the Packaging and Packaging Waste Regulation.

[5] http://www.zerowasteeurope.eu/library/executive-summary-reusable-vs-single-use-packaging
[6] https://zerowasteeurope.eu/library/how-circular-is-glass/
[7] Further information: https://zerowasteeurope.eu/2022/10/blog-post-reuse-before-recycling/
[8] Coelho et al (2020), Sustainability of reusable packaging – current situation & trends– Resources, Conservation & Recycle, Vol 6, quoted in COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT REPORT Accompanying the document Proposal for Regulation of the European Parliament and the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020, and repealing Directive 94/62/EC
[9] https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics#Generation_and_recycling_per_inhabitant
[10] https://eur-lex.europa.eu/eli/dir/2019/904/oj

However, such studies by no means capture the bigger and real picture (*from the paper extraction, the impact on land and communities, to its end of life*). For instance, it is estimated that products of Nordic forest destruction end up on EU supermarket shelves (mainly for packaging), which is driving a significant biodiversity loss[11].

In fact, there is a big risk of environmental "burden shifting" as any single-use item comes with its environmental impacts. The only way to solve the environmental crisis altogether (climate, pollution, energy and resource depletion) is by addressing our current production and consumption habits at source and supporting waste prevention and reuse measures.

For further information on paper packaging please check FERN's position paper on the PPWR.

(iii) 'Innovative packaging' being given extra time to pollute?

The concept of "innovative packaging" as currently defined in the Commission's proposal is problematic as packaging producers would not be required to document on the packaging properties (including on its recyclability) before five years after the first placing on the market. Such a concept would lead to increasing loopholes when it comes to the recycling stage with packaging put on the market without having recycling technologies able to address this 'innovative' format, and when no information would have been shared beforehand.
Therefore, innovative packaging that is unlikely to drive sufficient demand and consequently is unlikely to create enough volumes to justify building a dedicated collection and recycling infrastructure, should be discouraged. **We strongly recommend removing this provision from the proposal**.

At the same time, most measures in the proposal address hard plastic, but flexible packaging (the ones that are most problematic and difficult to recycle), is not properly addressed in the proposal. Instead, the proposal sets a two-step approach under which only by 2030, packaging will have to comply with a design for recycling criteria and, by 2035 it will ensure that recyclable packaging is also sufficiently and effectively collected, sorted and recycled ('recycled at scale'). Therefore, standards and requirements for recyclability should be strengthened according to our guidelines at point 2 of this paper.

b) Sustainability without safety?

Sustainability and safety for packaging, especially when it comes to food contact and other contact sensitive applications, should go hand in hand. In order for packaging to be truly sustainable, it needs to be safe for [12] both human and environmental health.[13]

[11] https://www.greenpeace.org/static/planet4-finland-stateless/2022/11/7da9b047-nordic-forest-briefing-2022-11-04.pdf
[12] https://www.beuc.eu/sites/default/files/publications/beuc-x-2019-042_more_than_a_paper_tiger_test_summary_food_contact_materials.pdf
[13] More explanation on 'sustainability' and 'safety' concept can be found in the ZWE briefing

ZWE, as a partner of the Rethink Plastic alliance, supports a joint call to carefully consider consumer safety in the context of the proposal.[14] The data available on chemical risks in the EU indicate that, currently, it is unlikely that the negative effects of chemicals on human health are decreasing in line with policy ambitions outlined in the Chemicals Strategy for Sustainability Towards a Toxic-Free Environment.[15] Many shortcomings were already identified in the current chemicals control laws – including legislations which the PPWR proposal refers to as the cornerstones of the regulation of chemicals in packaging (REACH, Food Contact Materials Regulation). For example, under general provisions of REACH, substances used in food packaging are subject to restrictions only for environmental and not for human health concern, while the Food Contact Material Regulation is lacking the harmonised rules for the majority of materials used in food packaging, including the second biggest packaging material groups: paper and board.[16] In short, **the current rules for packaging are deficient and provide insufficient protection of consumers**.

Since there are significant delays in the revision of both laws, a **precautionary approach** across all legislations must be applied. The PPWR proposal is an excellent opportunity for sectoral legislation to close existing gaps by coherent approaches to manage chemicals in packaging. This is even more crucial now than ever, given the high attention in the proposal to reuse, recycling and mandatory recycled content targets.

Unfortunately, despite recognition of the necessity for this regulation to address the impact of substances of concern on human health and on the environment,[17] **the PPWR proposal fails to incentivise the elimination of hazardous chemicals in packaging**. There is also a need to improve the availability of information on the chemical content of the material – requirements for information on content of substances of concern are currently missing in the PPWR.

We call therefore for more ambitious measures in the PPWR regarding the restriction on the use of substances of concern in packaging or packaging components, to protect consumers and notably vulnerable groups. That should include **strong mechanisms and effective measures for phasing out the most harmful substances such as proposed in the Chemicals Strategy for Sustainability (i.e chemicals that cause cancers, gene mutations, affect the reproductive or the endocrine system, or are persistent and bioaccumulative)**.

1) Topic specific recommendations

- ## Legal basis:

  The legal basis of the PPWR, as currently proposed, has its basis in article 114 TFEU (single market).

[14] RPa PPWR position paper, 2023
[15] European Commission, Chemicals Strategy for Sustainability Towards a Toxic-Free Environment, 2020
[16] European consumer organisations call for action on paper and board food contact materials
[17] Recital (14): In line with the objectives of the Circular Economy Action Plan and the Chemicals Strategy for Sustainability, and to ensure the sound management of chemicals throughout their life cycle and the transition to a toxic-free and circular economy, and considering the relevance of packaging in everyday life, it is necessary that this Regulation addresses impacts on human health and on the environment and on broader sustainability performance, including circularity, resulting from impacts of substances of concern on the whole life cycle of packaging, from manufacture to use and end-of life, including, waste management.

However, given the clear environmental objectives of the regulation, which is setting new environmental measures which are also part of the circular economy agenda, **article 191 (environmental basis) should also be included as a legal basis** for this regulation. That should also enable Member States to implement further measures, especially those necessary to meet the waste prevention and reuse targets. Therefore, both articles shall be considered of the same importance along the proposal.

- ## Waste prevention:

The waste prevention targets in the proposal are far too low considering that volumes have increased by 20% over the last decade. Therefore, it should be strengthened in order to achieve a reduction equal to such an increase as early as 2030, meaning a 15% instead of 5% waste prevention target per capita by 2030.

- ## Reuse:

  - **Definition**: A strong definition is the basis to ensure a solid and flawless legislation. Sustainable packaging cannot exist without a sustainable system. Therefore, it is positive that the proposed text has defined 'systems for re-use'. Nevertheless, the definition is missing a crucial element that makes a reuse system efficient: **the incentive to return the packaging**. The return rate is a crucial element of a reuse system, and the 'incentive to return' is the tool to ensure that the packaging is actually returned, so the system can run effectively and smoothly. In addition to adding to the current definition of 'systems for reuse' an incentive to return the packaging, with a minimum of 90% collection rate could be set.

  - **Targets:**
    - **Reuse targets should be expanded to other key sectors**, such as the **retail sector** (non-perishable foods), **cosmetics and household cleaning products**. The targets apply only to a limited number of product groups, and are reserved in ambition compared to those already in place in some Member States[18].

    - **We welcome that reuse targets have been put forward for the beer and wine sectors. However, reuse targets should also be set for spirits**, given the significant environmental impact of single-use glass bottles, especially for this sector where the bottles tend to be heavier than for other sectors.

[18] Reuse targets set by some Member States:
- Austria (reuse targets of 25% by 2025 and at least 30% by 2030 for beverage packaging),
- France (5% of all packaging to be reusable by 2023 and 10% by 2027),
- Germany (reuse target of 70% for beverage packaging),
- Romania (5% packaging to be reusable by 2020, plus a 5% annual increase until 2025),
- Portugal (30% of all packaging to be reusable by 2030) and
- Sweden (increase of reusable packaging by at least 20% by 2026 and by at least 30% by 2030).

- **Sector specific reuse targets should be achieved only through 'systems for reuse' and 'refill' should be counted as part of the waste prevention targets.** As recognised in Article 3 on definitions, reuse and refill are different approaches to packaging.
    - Refill vs. reuse: The action of refill, as defined in the proposal, means an operation by which an end user fills their own container. In this sense, the container is in fact not a packaging but a consumer owned product. Therefore, the action of refill by a consumer should be considered as a waste prevention measure. On the other hand, as laid down in the proposal, the action of 're-use' means an operation by which a reusable packaging, which is part of a 'system for re-use', is used again for the same purpose for which it was conceived. The system for re-use is defined as an organisational, technical /or financial arrangement, which enables the re-use either in a closed loop or open loop system. Therefore, it is clear that a reusable packaging is an asset owned by the system operator, which will ensure it is collected, washed and refilled. This process is what should be considered as re-use[19].

  Therefore, **these two different processes should not be confused or mixed-up**. When it comes to policy making and enforcement this is even more important.

    - Risks of combining 'refill' and 'reuse' targets: The way it is laid down in the Commission's proposal, some of the targets could be achieved either via 'systems for reuse' or either 'refill'. The issue with that is:

      (i) The calculation/metrics for reuse and refill are not the same. Reusable packaging in systems for re-use are easily traceable by units with a serial number or similar (e.g: how much it was placed on the market, how much was returned, how many times it was refilled, etc.). However, it is very difficult to calculate and measure refills through consumer owned products (how many kilos/litres of a certain product the consumer is refilling and how many times, etc.) **Therefore, mixing prevention and reuse will lead to a huge margin of error and the data will not be robust.**

      (ii) How will market operators ensure that the targets are not being reached with single-use packaging being provided on the side? Even though it would not be provided for free, there would still be a possibility to have single-use packaging being provided on the side and this would count for the reuse/refill targets, which will make the data even less robust/reliable.

[19] Further detail on the differentiation between refill and reuse can be found here: https://zerowasteeurope.eu/wp-content/uploads/2022/06/Packaging-Reuse-vs-Packaging-Prevention.docx-1.pdf

- **Economic incentives for systems for reuse**:
  - The regulation should establish support for reuse packaging by including economic incentives, which is currently missing in the proposal, such as revenues coming from dedicated EPR fees to finance reuse infrastructure. France, for example, has set in their French Circular Economy Law [20] an obligation to dedicate part of the EPR budget to meet the 5% target of reusable packaging. **We recommend that 20% of EPR fees should be dedicated to investing in systems for reuse.**
  - In addition, infrastructure for **systems for re-use should be financed through a single-use fee/tax that governments have to charge on every unit of single-use packaging placed on the market**.

• Standardisation:

The proposed regulation does not mandate the use of standardised packaging designs, although it foresees that standardisation efforts in this area would bring environmental and economic benefits, including for economic operators that are willing to use standardised packaging formats. Nevertheless, **standardisation is a crucial element of systems for reuse. It does not only streamline the packaging formats, but also the entire infrastructure, making them interoperable, facilitating logistics and collaboration of value chain actors, making it more accessible; creating economies of scale; and largely improving the overall environmental and economic benefits of the system**. Therefore it is imperative that certain existing standards are revised and strengthened in order to align with the purpose of the regulation.

• Deposit Return Schemes (DRS):

- Annex X of the proposal sets minimum requirements for DRS to ensure an harmonised and efficient implementation of DRS across Member States. Nevertheless, **the minimum criteria should also establish that new DRS should be setup to accommodate reusable packaging from the outset**. If the regulation obliges the beverage sector to implement DRS for single-use and to achieve reuse targets, this requirement should be included in order to ensure the same system encompasses both options. It would be more convenient for consumers as well.
- In addition, DRS should also be mandatory for single-use glass, as explained in point 1) of this position paper.

[20] LOI n° 2020-105 du 10 février 2020 relative à la lutte contre le gaspillage et à l'économie circulaire

Recycled content:

- To foster a more general approach, the **overall packaging sector shall integrate recycled content**, and therefore targets shall not be limited to plastic. Hence, we regret that the European Commission will assess the need to have proposals on recycled content for other types of packaging only 8 years after the entry into force of the current proposal. Such assessment increases the knowledge on the circularity of different markets and shall happen within the limit of 2 years after the entry into force of the legislation, and consider all types of materials used in packaging.

- Enhancing the circular economy shall be for **all types of plastic packaging**, which are part of the regulation as from its adoption, including packaging for medical and pharmaceutical devices. The specific extended deadline to December 31 2025 shall be removed.

- The requirement of recycled plastic content **per unit of packaging**, i.e. at the product level, is key to ensure that claims related to products are trustworthy and reliable as much as possible. This is also a strong incentive for companies to integrate overall more circularity in packaging. However, this signal is undermined by the possibility for the European Commission to temporarily amend minimum percentage requirements following derogation requests. Therefore, **no derogation based on the price and availability of plastic should be allowed.** During the legislative process targets have been lowered, and appear achievable based on the current recycling landscape. Therefore, no derogation for recycled content targets set for 2030 should be granted.

- With the PPWR, the path including mandatory recycled content targets continues and will lead to an increased interest in second raw materials, and also higher competition to have access to recycled materials, including across different sectors. Indeed, as the case of PET beverage bottles shows, there is competition between food-contact packaging and textile to access high-quality recycled PET (rPET).[21] Studies show that approximately 14% of the global polyester market is recycled polyester, the majority of which is produced from PET bottles.[22] Importantly, it is not possible to use rPET from polyester textile back in contact-sensitive application materials. Therefore, manufacturers using recyclable contact sensitive applications in packaging should have **"priority access"**, or a similar mechanism that guarantees a "right of first refusal" to facilitate their fair access to contact-sensitive grade recycled materials, coming from packaging the same manufacturers put on the market.

[21] Letter-from-NGO-Industry-coalition-on-the-promotion-of-closed-loop-recycling-in-the-EU-Sustainable-and-Circular-Textiles-Strategy_Final.pdf (unesda.eu), 2023
[22] Eunomia and ZWE, *How circular is PET?*, 2022

- The methodology allocating recycled content should integrate an **environmental consideration** to favour recycling technologies, which are with the lowest environmental impact to minimise the climate impact of recycling activities and support the more efficient ones.[23] Indeed, part of recycled content can in some cases negatively impact the end-of-life recycling rate as more compensatory virgin material is needed for replacing the physical losses that occur during the recycling chain. Such added points will allow bringing the circular economy and climate agenda together.

- As manufacturers might wish to display information about recycled content targets they will have to meet under this Regulation, they should do so **based on a harmonised, transparent and reliable labelling methodology.** The latter will allow for avoiding general and misleading claims such as "made of recycled PET" when a product only contains a small share of recycled content. **Display of information on the recycled content should be mandatory** for all packaging put on the market. This can indirectly stimulate manufacturers to go beyond the legal requirement and further increase the recycled content of their packaging.

- For the PPWR to fulfil its objective to reduce the environmental footprint of packaging, the implementation should be fully transparent and independent. In order to have reliable and trustworthy recycled content claims, it shall be certified by an accredited verifier based on a certification scheme.

Recycling:

- Despite referring often to the process of **"high quality recycling"**, the proposal misses a clear definition, and therefore also misses the differentiation between recycling practices, i.e. high-quality recycling, closed-loop recycling, and downcycling practices. This definition is essential to introduce a qualitative aspect in recycling practices allowing to maintain or improve material quality, thus enabling high-value applications and maximising, and incentivising materials circularity. Such a definition should set a clear minimum threshold for assessing any recycling process as a high quality recycling, including also an impact on the environment. Quality of material should not come at the expense of environmental quality.

- The concept of **recycling at scale** should ensure that at least 90% of the packaging put in the market is effectively collected and recycled. To achieve this ambition, Member States shall ensure that 75% of the population has access to an effective collection system for the type of packaging/product, with a plan to reach 90% of the population in the following five years.

[23] Öko-Institut, *Climate impact of pyrolysis of waste plastic packaging in comparison with reuse and mechanical recycling*, 2022

- The **recycling targets** defined for 2025 and 2030 are low, therefore Member States shall not have the possibility to postpone the deadline for attaining the targets.

Recyclability:

- The concept of "innovative packaging" as currently defined in the Commission's proposal is problematic as packaging producers would not be required to document on the packaging properties (including on its recyclability) before five years after the first placing on the market. Such a concept would lead to increasing loopholes when it comes to the recycling stage with packaging put on the market without having recycling technologies able to address this 'innovative' format, and when no information would have been shared beforehand. Therefore, innovative packaging that is unlikely to drive sufficient demand and consequently is unlikely to create enough volumes to justify building a dedicated collection and recycling infrastructure, should be discouraged. **We strongly recommend removing this provision from the proposal**.

- Despite the recognition of the weaknesses in the **essential requirements** for packaging, which should be "more concrete and easily enforceable",[24] the proposal does not address the issue directly. To achieve high product level standards for recyclability, disqualification criteria could be developed to recognize practices hampering recycling processes, i.e. the use of carbon black, bio- or oxo-degradable additives, aluminium layers, etc. Such criteria would legally prevent products from being labelled and claimed as 'recyclable' when they are not.

- A packaging should be considered as recyclable when it complies with 95% of the requirements to be considered as recyclable (**performance grade A**), as this will make a strong call to the plastic value chain to better collaborate to have real design for recycling products.

- The proposal lays down **recyclability requirements** to be met by 2030 following the publication of a delegated act. However, the current proposal does not fix deadlines for the European Commission to publish this act. In order to have the time to meet the requirement, the delegated act should be adopted within the 18 months after the entry into force of the regulation.

- The two steps approach is problematic as it further delays the uptake of actions, and will undermine changes in the design steps, and there is no incentive to directly phase out products that are not recyclable from the market.

[24] European Commission (2014), Ex-post evaluation of Five Waste Stream Directives, – SWD (2014)209

- Packaging requirements will be mainly influenced by technological development without considering carbon efficiency, yield, energy demand, etc. of such technologies. To achieve a true circular economy, design for recycling criteria shall ensure that packaging will be recycled in an efficient way to keep material and carbon in the loop.

Compostability:

- Zero Waste Europe welcomes the provisions on compostability for packaging as they move in the right direction. In particular, we welcome the clear focus on compostable plastics (rather than the generic and devious wording "bioplastics") **and the clear reference to the EU standards on industrial compostability**, instead of home compostability. However, the proposed provisions stop short of a fully satisfactory and environmentally sound strategic framework.

- We think that the **scope for adoption of compostable plastics should be defined with clear-cut boundaries**, so as to avoid different and often diverging decisions by various producers, some using compostable, some conventional plastics, for the very same packaging: it goes without saying, this non-harmonised system confuses and misleads consumers, decision makers and investors. The common market and the obligations for separate collection of organics stipulated in article 22 of the WFD set favourable conditions for such clear-cut boundaries to be defined.

- While the defined scope for obligations is acceptable, for it covers FCMs (as tea bags and coffee capsules) that are inherently dirty with food residues after use, **we regret that no ban for unjustified applications has been defined**, as it was, instead, in the early leaked draft. The proposed Regulation only includes (at article 8 (3) and Annex III) the general principles to justify (or not) further applications of compostable plastics; such principles (which may lead to further obligations to be defined by the EC in Delegated Acts) may be agreed upon, indeed, but we fear the degree of compliance will be largely different in various countries, and even by various producers. Hence, while the field of "obligations" is well defined, that of "restrictions" is not, and this makes the context highly permeable to entrepreneurial mistakes (by investors) regulatory mistakes (by Member States, who may adopt weakly justified obligations) and behavioural mistakes (by users/consumers, who may be mistaken in the nature of the packaging they are handling, for some producers have it compostable, others haven't). We therefore call on the commission to **reinstate the ban on "any other application" than those defined in the proposal, to be only supplemented with further Delegated Acts in compliance with the principles defined in art 8 (3) and in Annex III.**

- The proposal should better address the difference between compostability and digestibility. Concerns have been raised[25] by site managers, and related networks, that compostable packaging may not be digested in anaerobic digestion sites (unless provided with a final post-composting stage, which is not mandatory in some MSs). Hence, **mentioning also "digestibility" or "degradability in anaerobic digestion", and mandating CEN to define an equally solid, operationally accepted standard as EN 13432, but focussed on industrial anaerobic digestion**, is of high importance, so as to provide the operational system with all the needed references to make informed decisions depending on the type of process adopted locally.

- We think a general principle should be defined once forever, and kept as a roadmap on compostable plastics, from now on. **Compostable plastics** should NOT be considered just as a substitute for conventional plastics: they **should only be considered and discussed in connection with the biowaste agenda, and not with the plastic agenda**. This principle would avoid many mistakes, devious proposals and misleading claims that we have stumbled upon in the past. Article 8 seems to head towards such a direction, which we praise, encouraging at the same time the EU to get bolder on the principle, adopting bans where they must be adopted.

- ## Require sorting of mixed waste prior to incineration and disposal:

  Sorting of mixed waste is needed in order to recover packaging that may be recycled (e.g. plastics, metals and paper). This will also be likely necessary to meet the existing plastic packaging and municipal waste recycling targets.

- ## No derogations for plastic bags ostensibly reducing food waste:

  Article 29 of the Commission's proposal on lightweight plastic carrier bags puts forward a dangerous derogation in paragraph 4, under which *'Member States may exclude very lightweight plastic carrier bags, which are required for hygiene purposes or provided as sales packaging for loose food to prevent food wastage from the obligations set out in paragraph 1.'* This derogation risks opening the door for the continued use of lightweight plastic carrier bags on the bases of alleged food hygiene benefits and food waste savings while both remain open for interpretation. There is no compelling evidence showing that lightweight plastic carrier bags prevent food wastage, we therefore suggest removing paragraph 4. This study found that plastic wrappers do not prevent food waste, so there is no evidence that lightweight carrier bags will do so. Instead, plastic packaging and food waste both increased in the past decade rebutting claims that packaging contributes to food waste prevention.

[25] See e.g. the opinion released by ECN - https://www.compostnetwork.info/ecn-responded-on-the-commissions-proposal-for-a-packaging-and-packaging-waste-regulation-2/

Zero Waste Europe is the European network of communities, local leaders, experts, and change agents working towards the elimination of waste in our society. We advocate for sustainable systems and the redesign of our relationship with resources, to accelerate a just transition towards zero waste for the benefit of people and the planet.

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Authors: Larissa Copello, Theresa Mörsen, Dorota Napierska, Janek Vahk, Lauriane Veillard
Reviewers: Aline Maigret, Joan Marc Simon
Editor: Theresa Bonnici
Date: April 2023

General information: hello@zerowasteeurope.eu
Media: news@zerowasteeurope.eu
Cities-related topics: cities@zerowasteeurope.eu

zerowasteeurope.eu
www.zerowastecities.eu
www.missionzeroacademy.eu