

Draft Recommendations to the Council and the European Parliament in preparation of the trilogue on the Waste Framework Directive (WFD) and Packaging and Packaging Waste Directive (PPWD)

1. Suggested change of legal base of the PPWD¹

The PPWD is different from pure waste stream directives because it integrates product requirements and packaging waste measures. This integrated life-cycle approach has been the major reason for the PPWD's success and has contributed to packaging innovation and effective packaging waste management to the benefit of business, consumers and the environment.

Metal Packaging Europe therefore, strongly supports safeguarding the PPWD's Internal Market legal base (Art. 114 TFEU) and its dual objectives, i.e. internal market for packaging & packaged goods, as well as environmental protection. This ensures the free circulation of packaged goods, as packaging is part of the product and therefore intrinsically connected with it.

Against this background, we strongly recommend to maintain Art. 114 TFEU also for future legal reviews of the PPWD.

2. Measurement point of recycling: input waste into final recycling

The Commission and the European Parliament intend to use a single harmonised method in all Member States for the calculation of recycling targets that is to be “based on a solid reporting method preventing the reporting of discarded waste (landfilled or incinerated) as recycled waste”².

Both institutions have therefore moved the measurement point of recycling as close as possible to the actual recycling process by defining the “weight of packaging waste recycled” as “**the weight of the input waste entering the final recycling process**”³.

The Council has supported the general rule to measure recycling at the input to the recycling operation, provided that all materials removed prior to that, i.e. through checking, sorting and other preliminary operations are not reported as recycled.

Metal Packaging Europe supports this approach, as it recognizes real recycling performances and defines accurate recycling rates.

¹ See also joint statement of 67 National and EU industries calling to safeguard the Internal Market for Packaging and Packaged Goods in the Circular Economy Package.

² See justification of Amendment 62 in the ENVI report on the proposal for a directive amending Directive 94/62/EC on packaging and packaging waste (A8-0029/2017).

³ See COM(2015)596 final; 2015/0276 (COD) Brussels, 2.12.2015. Article 1, section (4), sub-indent 1,(a), and Amendment 58 (Council document 7276/17: Position of the European Parliament adopted at first reading on 14 March 2017 for a directive amending Directive 94/62/EC on packaging and packaging waste).

However, we caution against introducing a derogation that allows to measure recycling at output of sorting. If not linked to strict conditions, measuring recycling at the output of sorting can make a substantial difference, since not all materials that are sorted are effectively recycled. This can lead to reported results higher than reality.

Metal Packaging Europe therefore, welcomes that the Council has phrased the wording on the derogation more clearly than the Commission proposal. It has to be ensured that waste can only be reported when it is subsequently recycled.

In general, Metal Packaging Europe advocates for **keeping the measurement point of recycling as close as possible to the actual recycling process** to promote real recycling rates and to ensure the move towards a circular economy.

3. Recycling targets

Metal Packaging Europe supports the Commission's approach to calculate realistic and achievable recycling targets for packaging⁴ based on an ex-ante impact assessment, known starting points, and a harmonised and clarified measurement point and calculation methodology.

The European Parliament however, has adopted higher recycling targets than initially included in the Commission's proposal, whereas the Council has decreased them. Metal Packaging Europe recommends that any targets other than those proposed by the Commission should be based on an updated impact assessment that evaluates the feasibility as well as the economic and environmental benefits.

4. Reuse and Preparing for Reuse⁵

Metal Packaging Europe cautions against creating an obligation for Member States to introduce new reuse systems in markets where EPR and recycling systems are well-established. Studies show that imposing new systems to promote reuse activities alongside existing recycling systems erodes the (cost-) efficiency of household-based collection systems as existing infrastructure would no longer be used to its full potential⁶.

⁴ See COM(2015)596 final; 2015/09276 (COD) Brussels, 2.12.2015. Article 6, para. 1 (f), para. 1 (g)(iii), para. 1 (g)(iv) & Article 6, para. 1 (h), para. 1 (i)(ii), para. 1(i)(iii). This includes minimum targets by weight for preparing for reuse and recycling of 75% of ferrous metal and 75% of aluminium (by 2025) and 85% of ferrous metal and 85% of aluminium (by 2030).

⁵ See also joint cross-industry packaging value chain recommendations for the legislative review of the WFD and PPWD.

⁶ Roland Berger, The consequences of a deposit system for disposable packaging based on the German example, 2008.

Prognos AG, Effects of deposits on beverage packaging in Germany, 2007.

We welcome that the Council has rejected separate packaging reuse targets, as introduced by the European Parliament⁷. Such targets would be diverting attention away from recycling and lead to higher costs for consumers of packaging for private consumption without bringing advantages. For commercial and industrial purposes, reusable packaging is already spontaneously trending, based on market demand and cost-efficiency and thus, does not need to be further incentivised. Metal Packaging Europe strongly recommends that robust data collection and verification, a baseline and clarified definitions have to be set up prior to assessing the feasibility of setting national quantitative targets for reusable packaging.

We further recommend that Member States consistently check that the Internal Market for Packaging and Packaged Goods is safeguarded and strongly caution against prescriptive requirements that could lead to market distortions.

Metal Packaging Europe supports the European Parliament's and Member States' call not to mix up waste with products and thus to maintain the current definition of "preparing for reuse" in the WFD. "Preparing for reuse" (applying to products that enter into a waste phase) differs from "reuse" (applying to products that are not considered "waste").

This distinction will help allow the crediting of reuse efforts: Member States currently report on "packaging placed on the market" (all packaging) as a proxy for "packaging waste generated" (which should exclude reusable packaging). Allowing Member States to deduct reusable packaging from "packaging waste generated" when calculating recycling rates, would give credit to those Member States that have invested in reuse systems, while making the data a more accurate reflection of reality.

5. Multiple Recycling and permanent materials

Through multiple recycling, products and packaging made from permanent materials, such as metals (steel and aluminium) or glass are kept in the material loop and can become resources for other products and packaging. Thus, permanent materials are perfectly suited to respond to the objective of a circular economy contributing towards the competitiveness of the European economy, and increasing the EU's independency from imports of raw materials. In the proposed WFD, the Commission intends to encourage the "development, production and marketing of products that are suitable for multiple use".⁸ This should also cover "multiple recycling" and "permanent materials" which keep their inherent properties after multiple recycling.

Conama (Miguel Aballe, BCME), Reciclado de envases metálicos. Análisis de procedimientos actuales en España y en Europa y perspectivas de mejora para mantener a los materiales permanentes en el ciclo productivo, 2014.

⁷ See Amendment 45 (Council document 7276/17: Position of the European Parliament adopted at first reading on 14 March 2017 for a directive amending Directive 94/62/EC on packaging and packaging waste).

⁸ WFD, Art. 1, proposed amendment 7, (b), amending Art. 8 (para. 2).

We welcome that the European Parliament refers to multiple recycling in its position⁹. While the first part of the paragraph refers to products and materials, the second part refers to products only. For reasons of legal certainty, this should be modified and the words “and materials” should be included in the second part of the paragraph as follows:

“Such measures **shall** encourage the development, production and marketing of products **and materials** that are suitable for multiple use, that are technically durable, **easily repairable and** that are, after having become waste **and been prepared** for re-use **or recycled, suitable to be placed on the market** in order to facilitate proper implementation of the waste hierarchy. The measures **shall** take into account the impact of products **and materials** throughout their life cycle, **including the potential for multiple recycling, where appropriate, and the waste hierarchy.**”

About Metal Packaging Europe:

Metal Packaging Europe gives Europe’s rigid metal packaging industry a unified voice, by bringing together manufacturers, suppliers, and national associations. We represent the industry’s views and voice opinions so that stakeholders understand how metal packaging contributes to the Circular Economy.

⁹ See Amendment 123 (Council document 7275/17: Position of the European Parliament adopted at first reading on 14 March 2017 for a directive amending Directive 2008/98/EC on waste).

ANNEX

How to credit already existing reuse efforts:

- **Current reporting of the recycling rates:**

Member States currently report on packaging waste recycled (numerator) divided by packaging placed on the market (denominator, as a proxy for “packaging waste generated”). The packaging placed on the market includes single use and reusable packaging. This is factually incorrect, as reusable packaging is not packaging waste per se (it can be reused and only becomes waste that can be recycled, once it can no longer be reused).

This causes an issue for those Member States that have a high share of reusable packaging on the market. They report an *‘inflated’* figure for “packaging waste generated”, as this covers “all packaging placed on the market” including reusable packaging. Thus, the denominator is *‘inflated’* compared to the numerator, as more “packaging waste generated” is reported than can actually be recycled. It includes reusable packaging, which may only be recycled once it actually becomes waste.

- **Crediting already existing packaging reuse efforts in the future:**

Some Member States that have invested in reuse have suggested an approach with the following two points:

- 1) Re-establish the old definition of “preparing for reuse” in the WFD (Directive 2008/98/EC): “preparing for re-use’ means checking, cleaning or repairing recovery operations, by which products or components of products that **have become waste and have** been collected by a recognised preparation for re-use operator are prepared so that they can be re-used without any other pre-processing” (Art. 3, 16).

Like this, “preparing for reuse” applies to products that enter a waste phase and differs from “reuse”, which applies to products that should not be considered “waste” (see reasoning above). This ensures that there is a clear distinction made between waste and products.

- 2) Instead of reporting on “packaging placed on the market” (all packaging, including single use and reusable packaging) as a proxy for “packaging waste generated”, Member States should deduct reusable packaging from “packaging waste generated” when reporting on packaging recycling rates.

- As a consequence of the two points above, the denominator would decrease and the numerator would slightly increase, as reusable packaging that has become waste, i.e. a broken glass bottle, could be added. This would give credit to those Member States with already existing packaging reuse market shares, while making the data a more accurate reflection of reality.