

Draft Recommendations to the Council following the ENVI Committee's vote on the Waste Framework Directive (WFD) and Packaging and Packaging Waste Directive (PPWD)

1. 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".¹ This should also cover "multiple recycling" and "permanent materials" which keep their inherent properties after multiple recycling.

We welcome that the final report adopted by ENVI refers to multiple recycling². 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.*"

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"³. 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"⁴.

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

² See Amendment 123 (final ENVI report on WFD).

³ See justification of Amendment 62 (final ENVI report on PPWD).

Metal Packaging Europe supports this approach, as it recognizes real recycling performances and defines accurate recycling rates. Hence, it strongly opposes to move the measurement point at either output of sorting or output of the final recycling process. Measuring recycling at the output of sorting makes a substantial difference, since not all materials that are sorted are effectively recycled. This results in a quota suggesting more recycling than achieved.

Measuring recycling at the output of the final recycling process is not feasible for all materials, e.g. metals. Metal scrap and virgin materials are (re-) melted in the same process. Due to their homogeneous nature and the fact that primary and secondary metals are structurally identical, no known technique exists to identify (analyse) the level of recycled material contained in the final product (i.e. at output of final recycling).⁵

Metal Packaging Europe therefore advocates for **keeping the measurement point of recycling as “the weight of the input waste entering the final recycling process”**⁶ to promote real recycling rates and to ensure the move towards a circular economy.

3. Reuse and Preparing for Reuse⁷

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 potential⁸.

Separate packaging reuse targets, as introduced by the European Parliament⁹, 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

⁴ See COM(2015)596 final; 2015/0276 (COD) Brussels, 2.12.2015. Article 1, section (4), sub-indent 1,(a), and Amendment 58 (final ENVI report on PPWD).

⁵ As described in the CEN Standards CR Report 13504 attached to the Packaging and Packaging Waste Directive.

⁶ See COM(2015)596 final; 2015/0276 (COD) Brussels, 2.12.2015. Article 1, section (4), sub-indent 1,(a), and Amendment 58 (final ENVI report on PPWD).

⁷ See also joint cross-industry packaging value chain recommendations for the legislative review of the WFD and PPWD.

⁸ 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.

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.

⁹ See Amendment 45 (final ENVI report on PPWD).

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 welcomes that the ENVI Committee deleted reference to preparing for reuse in the PPWD, as the recycling only targets truly reflect **the recycling performances of packaging materials**¹⁰.

We support 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 who have invested in reuse systems, while making the data a more accurate reflection of reality.

4. Recycling targets

Metal Packaging Europe supports the Commission's approach to calculate realistic and achievable recycling targets for packaging¹¹ based on an ex-ante impact assessment, known starting points, and a harmonised and clarified measurement point and calculation methodology.

The ENVI Committee however, has adopted higher recycling targets than initially included in the Commission's proposal¹². Metal Packaging Europe recommends that any targets higher 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.

¹⁰ See Amendments 49, 50, 51, 52, 53 (final ENVI report on PPWD).

¹¹ 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).

¹² See Amendments 50, 51, 52, 53 (final ENVI report on PPWD).

5. Suggested change of legal base for the PPWD¹³

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.

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.

¹³ See also joint cross-industry packaging value chain recommendations for the legislative review of the WFD and PPWD.