



Statement

Proposal for a Regulation on Packaging and Packaging Waste

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The Vienna Forum for Democracy and Human Rights considers the proposed Regulation – rather than a revision of the current Directive 94/62/EC – the right instrument for the purpose of reducing packaging waste in the marine environment. A regulation ensures that all 27 Member States fulfil their obligations at the same time and in the same way and it sends a clear signal to non-EU market actors intending to place packaging products on the EU market.

We support Article 6, that requires packaging to be recyclable and sets out what requirements will need to be met in a two-stepped approach. However, we criticise that these measures are too slow, applying only from 1 January 2030 for the ‘*design for recycling*’ criteria and from 1 January 2035 for packaging to be ‘*recycled at scale*’.

We would like to question, if Article 4(5), that allows for additional labelling requirements of Member States on top of Article 11, although it may promote the provisions for Extended Producer Responsibility (EPR) and Deposit and Return System (DRS), is beneficial for the main purpose of the proposed regulation. Uneven national regulatory frameworks discourage and slow down compliance and make it harder for Small Enterprises (SMEs) to adapt to them.

Moreover, like the Commission itself states in the proposal '*diverse national rules reduce the effectiveness of the policy and put the effective establishment of a circular economy in jeopardy*'.

We consider it progressive, that reusable packaging would have QR codes or equivalent means to facilitate their recovery and harmonised specific labels that properly inform consumers about packaging reusability, the availability of re-use systems (p. 11 of the proposal). Also, information about manufacturers and suppliers should be as transparent as possible, but without disadvantaging distributing SMEs compared to e-commerce giants. We see such risk in Article 15 and Article 16.

We also support Article 7, that states that by 1 January 2030 plastic packaging shall contain a certain minimum amount of recycled content recovered from post-consumer plastic waste, and we agree with Article 8, obliging fruit labels being made compostable.

With regard to Article 11, we think, identifying packaging included in an extended producer responsibility scheme or covered by a deposit and return system by a symbol is absolutely necessary.

We would like to see the percentage of enabling refill increasing higher than 20 % for the final distributor of take-away-beverages by 1 January 2030 (Article 26(2)a). Further we disagree with exempting sales of packaging for alcoholic beverages from the 10 % re-use and refill target (Article 26) by 2030.

We agree with the target laid down in Article 29, that the annual consumption of lightweight plastic carrier bags cannot exceed 40 such bags per person by the 31st December 2025.

We think it is very important, that as proposed in Article 37, Member States are required to introduce a chapter on the management of packaging and packaging waste into their waste management plans as required in Article 28 of Directive 2008/98/EC. Further we support the targets to reduce packaging waste, as set out in Article 38.

We approve of Article 43, that is ensuring that Member States provide for the return and separate collection of all packaging waste from the end users and to facilitate its preparation for re-use and high-quality recycling.

We want to underline, that Article 44 is of great importance, as it requires a DRS for single-use plastic beverage bottles (up to 3 litres) and single-use metal and aluminum beverage containers. However, we think that the date of 1 January 2029, by which Member States must ensure that all DRS follow the minimum requirements, is too late, regarding the urgency of reducing environmental pollution originating from plastic bottles. Also, we doubt the necessity of excluding beverage packages for wine and milk from DSR schemes (Recital 104 and Article 44).

We agree on the issue of Article 45, that requires Members States to take measures to encourage re-use systems.

We also support promotion of recycling by setting recycling targets and would like to see clear guidelines soon, especially on how to best achieve by 31 December 2025, a recycling rate of 50% for plastic contained in packaging waste generated (Article 46(1)(b)).

Moreover, we urge

- to impose a single-use-packaging tax on e-commerce giants to discourage the use of non-recyclable materials and encourage the use of recyclable ones,
- to offer tax incentives and subsidies to businesses that use recycled and reusable packaging materials,
- that technical and financial assistance is provided to businesses to help them adopt greener packaging practices,
- for an obligation for e-commerce giants to use returnable packaging systems,
- for measures added, that encourage businesses to reuse their packaging materials, and also reuse recyclable/reusable packages that are already in circulation.

Finally, we want to stress, that Article 39 and 40 were seen as a threat to SMEs, because they allow national differentiating measures and impose burdens on small enterprises whereas the big companies may easily implement such measures. Such rules could primarily address big e-commerce companies, like Amazon and Ali Express, and only with delay address small packaging distributors. Such a two-step approach would be in our view proportionate as administrative burdens are more severe for small

enterprises. Therefore, we would recommend that a register as described in Article 39 shall be established, but other than proposed be introduced on a Union level to minimise the risks of loopholes, confusions and obstacles due to translation needs.

See the consultation draft [here](#)