



May 2023

MPE Position paper on the proposal for a regulation on packaging and packaging waste (PPWR) – COM(2022)0677

Metal Packaging Europe (MPE), the European association representing rigid metal packaging (steel and aluminium), supports the European Commission's objective that "all packaging on the EU market be reusable or recyclable in an economically viable way by 2030" as mentioned in the Green Deal and the Circular Economy Action Plan (CEAP) 2.0 and supported by the European Parliament in its resolution on 28 February 2021¹.

First, MPE would like to reiterate its support for changing from a directive to a regulation and for retaining Article 114 TFUE as the sole legal basis. This proposal aims to create legal certainty for economic operators putting packaging on the market and the number of specific national laws required to transpose the current PPWD challenges this legal certainty. Furthermore, the adoption of a Regulation on the internal market legal basis is a safeguard against protectionist measures, market distortions and fragmentation.

Although the proposal is going in the right direction in some aspects, MPE would like to underline some elements that should be taken into account by the co-legislators during the examination of this proposal:

- 1. Recyclability: Amend Article 6 to include more robust criteria to reflect that some packaging is made from highly recycled, and infinitely recyclable material, and for these criteria to be effective by 2030**

MPE welcomes the introduction of a specific provision on recyclable packaging (Article 6 and Annex II) and supports the establishment of Design for recycling criteria and the introduction of recyclability performance grades on which the eco-modulation of EPR fees will be based.

MPE believes that some provisions should be improved for example:

¹ [Report on the New Circular Economy Action Plan](#) – Paragraph 66



- Some packaging materials can be considered “permanent materials”, that is to say a material whose inherent properties do not change, regardless of the number of times it goes through a recycling process. It means that once it is produced for the first time and properly collected, sorted and processed at the end of its life, it becomes the raw material for new and endless production loops. Such materials are and will remain, at the heart of any proven and well-functioning Circular Economy. It is why they should be differentiated from the others and be considered highly recyclable. From this perspective, **MPE requests the introduction of criteria for highly recyclable packaging in Article 6**
Based on the elements above and the explicit reference to “high-quality recycling” in Article 43 of the proposal, **MPE also considers the need to add a definition of high-quality recycling (in Article 3)**. It will avoid legal ambiguity, ensure a harmonised interpretation across the EU and support Member States to make informed choices in the deployment of return and collection systems aiming to support and promote high-quality recycling.
- As the aim is that all packaging placed on the EU market will be reusable or recyclable in an economically viable way by 2030, the criteria to be recycled at scale needs to be applicable by 2030 and not delayed to 2035. Furthermore, the 75% threshold is met only by the largest Member States. To ensure the legislation is implemented at EU level, **the threshold should be increased to 90% of the EU population and to at least 2/3 of Member States.**
- **Two years would be adequate time for innovative packaging** to demonstrate that it can meet the recyclability criteria set in Article 6. Ideally, when packaging is put on the market, the existing collection and sorting infrastructure should already be able to deal with it and ensure that it can be recycled at the end of its life.
- To respect the timeline imposed in this Regulation, the Commission must adopt the delegated act by a specific date (by 1 January 2028 at the latest). It is **necessary to prioritise the adoption of delegated acts linked to provisions that are defined for a specific date**. This can be done directly in Article 6 but also through a specific timeline in Article 58 related to the exercise of the delegation.
- Basing eco-modulation of EPR fees on recyclability performance grades is a crucial step to incentivise the production and use of highly recyclable packaging and to promote transparency across EPR systems. It is





important, however, that these grades serve as the sole criterion for EPR eco-modulation in order to promote consistency and facilitate implementation. Attributes not related to recyclability, such as recycled content, should not be included as additional modulation criteria and are best served through other policy instruments.

2. Recycled content: Avoid applying plastic recycled content targets to parts of packaging that should not be considered “plastic parts”

As Article 7 sets **minimum percentages of recycled content in plastic packaging**, to ensure consistency between the objective stated in this article and its wording, it is necessary to **make some corrections to the text to be certain that it is applicable to plastic packaging only**. Moreover, some elements such as coatings on metal supports, seam sealing for metal packaging and sealing compounds for metal closures are not considered plastics under the definitions of the Draft Regulation, supported by the Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food and they are not considered “part” of a composite packaging consisting of different materials.

3. Reuse & Refill Targets: Exclude highly recyclable packaging from the calculation of reuse and refill targets. There is a need for a proper assessment before setting targets for 2040

Some single-use packaging will never be reusable but is highly recyclable. Therefore, reuse/refill target calculations should exclude single-use packaging with a net environmental benefit higher than reusable packaging. The objective of this Regulation is for all packaging to be reusable or recyclable in an economically viable way by 2030. This regulation must establish considerations for ecologically highly optimised single-use or reusable packaging.

MPE requests that **packaging not covered by the definition of reusable packaging in Article 10 of this Regulation and considered as highly recyclable packaging is exempt from the calculation of reuse and refill targets set out in Article 26.**

In addition to this, MPE considers that the **European Commission should conduct an environmental impact assessment soon after 2030 to evaluate whether 2040 targets are required**. MPE acknowledges that it is often argued that reusable packaging delivers better overall performance and desired





environmental impacts than one-way packaging systems. Nevertheless, there is to date no consistent, data-based evidence confirming which system performs best. Imposing strong interventionist measures such as mandatory reuse quotas for packaging systems for 2040 before having measured the real net environmental benefit of these measures is not considered as the appropriate way to follow.

4. Transport packaging reuse targets: Avoid confusion between sales packaging and transport packaging subject to reuse targets

Article 26 points 7, 12 and 13 and Recital 10 refer to reuse targets for transport packaging. And, Article 3 clearly specifies that transport packaging is packaging that “facilitate(s) handling and transport of a number of sales units or grouped packages”. Nevertheless, some packaging formats introduced as examples do not fall under the definition of transport packaging and are primary/sales packaging (as they are in direct contact with the product).

Therefore, **MPE would like the deletion of drums, pails, canisters and intermediate bulk containers from the list of transport packaging covered by the provisions of Article 26.**

5. Waste prevention targets: Do not apply waste prevention targets to highly recyclable packaging

The report on packaging waste statistics from Eurostat² with data extracted on 10 October 2022, clearly shows that packaging waste generated by packaging material estimated for the EU in 2020 is really different from one packaging material to another one packaging material. It clearly shows that some packaging materials other than metal are responsible for a higher share of the total waste compared to metal packaging (e.g., 41,2% for paper and cardboard and 5% for metal in Figure 1) and have experienced a higher growth over the last 20 years compared to metal packaging which remained stable (e.g. metal packaging waste has stayed stable at under 10 kg per capita since 2009).

MPE considers that before imposing strict packaging waste prevention measures in Article 38, the role of packaging should be considered. Packaging materials that extend shelf life have an important role to play in food waste prevention; **only the amount of excessive packaging put on the market should be reduced.**

² https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics





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6. DRS: Reinforce the measures related to DRS and DRS minimum requirements

In order to avoid the distortion of competition, there should be a level playing field between all beverage packaging materials put on the EU market. Deposit Systems (DRS) have a proven track record when it comes to making sure that all beverage packaging is collected for recycling or reuse purposes and that nothing remains in the environment. Exemptions to the requirement to set up a DRS should be valid for all materials alike, if the Member State can prove that at least 90% is being collected through the EPR scheme.

MPE believes Article 44 should include a requirement for all packaging materials to be included in a DRS for drink containers.

In addition, **Annex X related to minimum requirements for DRS should be improved** including proposals to avoid cross-subsidy between materials, ensure more on-the-go collection points are made available, introduce variable levels of deposit, further improve labelling to ensure optimum interoperability and ensure an independent governance and transparent reporting materials revenues derived from a fair sale of collected packaging.

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 proactively position and support the positive attributes and image of metal packaging through joint marketing, environmental and technical initiatives. We represent the industry's views and voice opinions so that stakeholders understand how metal packaging contributes to the Circular Economy.

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