

# Public Consultation to inform the review of the requirements for packaging and other measures to prevent packaging waste

Fields marked with \* are mandatory.

## Introduction

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### 1.1 Background to the consultation

Despite an overall trend towards lighter packaging in many types of packaging in the last three decades, there has been an overall increase in packaging waste generated. According to Eurostat, 89 million tonnes of packaging were placed on the EU market in 2017, compared with 81.5 million tonnes in 2007. In year 2017, packaging waste generation increased to 174 kg per capita in the EU, the highest level ever recorded. The overall increase is due to growing consumption of packaged products, a change from reusable towards single-use packaging, growing online sales as well as the sometimes still excessive quantities of packaging for goods (over-packaging).

Packaging is the biggest source of plastic waste, with around 17.8 million tonnes generated in Europe in 2018 accounting for about 60% of post-consumer plastic waste. Only a limited share of plastic packaging waste is recycled and finds its way back into new products or packaging – in 2017 it was only around 42 %. The remainder was disposed of in landfills or incinerated leading to negative environmental consequences including air pollution and greenhouse gas (GHG) emissions.

In the production of new packaging, the use of recycled materials is still limited. The environmental impacts of packaging manufacture are higher than they could be with a more circular approach to packaging manufacture. Packaging design does not sufficiently consider the difficulties and costs of collection, sorting and processing of packaging waste, which adds to the cost of recycling. There is also a lack of clear legal rules requiring that packaging can be recycled into high quality secondary materials in a cost-efficient way.

[Directive 94/62/EC on Packaging and Packaging Waste](#) (hereafter the 'Packaging and Packaging Waste Directive' or PPWD) regulates the placing on the market of packaging as well as packaging waste prevention and management. All packaging placed on the EU market has to comply with essential requirements relating to its composition and reusable and/or recoverable nature. The ['fitness check' of the Waste Stream Directives](#) carried out in 2014 identified the need for clearer and more specific rules on the composition and the reusable and/ or recoverable, including recyclable, nature of packaging. This review of the Packaging and Packaging Waste Directive also follows up on the [EU Plastics Strategy's](#) commitment to ensure that plastic packaging is reusable or recyclable in an economically viable manner by 2030, and on

the [European Green Deal](#), which broadens this commitment to all packaging, and commits to additional measures to prevent and reduce over-packaging and packaging waste. It also reflects the objectives of the new [Circular Economy Action Plan](#) (CEAP), which further specified these commitments and added that, in addition to the revision of the essential requirements, “the Commission will consider other measures, with a focus on:

- reducing (over)packaging and packaging waste, including by setting targets and other waste prevention measures;
- driving design for re-use and recyclability of packaging, including considering restrictions on the use of some packaging materials for certain applications, in particular where alternative reusable products or systems are possible or consumer goods can be handled safely without packaging;
- considering reducing the complexity of packaging materials, including the number of materials and polymers used.”

Furthermore, the CEAP announced that the Commission will consider introducing in sectoral legislation mandatory requirements for recycled content and minimum mandatory green public procurement (GPP) criteria and targets.

## **1.2 Introduction to this consultation**

In order to implement the new policy objectives defined in the European Green Deal and the new CEAP, the Commission is now conducting an impact assessment to support the ongoing review of the Packaging Directive. This impact assessment will explore possible measures to reinforce the Directive’s essential requirements, to promote packaging waste prevention, to increase the uptake of recycled content in packaging and to establish green public procurement criteria relating to packaging. Its purpose is to assess the need for further EU action in relation to the Packaging Directive, to evaluate policy options and to assess the potential economic, social and environmental impact of those policy options.

The purpose of this consultation is to gather the views of the public on reviewing the rules on packaging and packaging waste in the EU.

The consultation is divided into three parts:

- Part I: The first part asks for some information about you (such as which country you come from).
- Part II: The second part is addressed to the general public. You do not need any specialist knowledge to reply to this.
- Part III: The third part is addressed to experts who wish to comment on the potential measures that the EU considers putting in place to improve recyclability of packaging as well as packaging waste prevention and packaging reuse and contains more detailed and technical questions.

At the end of the questionnaire, the opportunity is provided to opt-in for targeted stakeholder interviews and to upload one document supporting and detailing your views and opinions. Once you have submitted your answers, you will be able to download a copy of your completed questionnaire.

All of the responses to this consultation will be assessed and the results will be included in the analysis supporting next steps. We will also produce a stand-alone factual summary on the input received, as well as a more detailed analysis of all consultation activities.

This public consultation will be complemented by targeted interviews with stakeholders and by a series of dedicated workshops. One was already carried out this year and several more planned for autumn/ winter of 2020 and early 2021.

If you have any questions, please contact the European Commission via [ENV-WASTE-PACKAGING@ec.europa.eu](mailto:ENV-WASTE-PACKAGING@ec.europa.eu)

Your opinion matters and we are grateful to you for taking the time to complete this consultation.

For more information about this review, please see the Inception impact assessment roadmap for this initiative:

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12263-Review-of-the-requirements-for-packaging-and-feasibility-of-measures-to-prevent-packaging-waste>

## About you

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### \* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian

- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

Emilie

\* Surname

Bartolini

\* Email (this won't be published)

eba@amchameu.eu

What is your area of activity / what is the sector whose interests you represent when responding to the questionnaire?

- Waste management
- Recycling
- Packaging material manufacturers
- Packaging manufacturers
- Converters
- Food producers
- Beverage producers
- Retailers

- Non-food wholesale
- Non-food retail
- E-commerce
- Transport/ logistics
- Other (please specify)

If other, please specify:

Fast Moving Consumer Goods, IT, Chemicals, Electronics, Aerospace

\* How many individual members / employees do you represent (= your direct paying members or the employees / paying members of your affiliated organisations) ?

- 10 million and above
- 1 million to 9.999.999
- 100.000 to 999.999
- 10.000 to 99.999
- Less than 10.000
- Don't know

\* Organisation name

*255 character(s) maximum*

American Chamber of Commerce to the European Union (AmCham EU)

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

5265780509-97

\* Country of origin

Please add your country of origin, or that of your organisation.

- |                                     |                                |                                     |                                    |
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| <input type="radio"/> Afghanistan   | <input type="radio"/> Djibouti | <input type="radio"/> Libya         | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/>              |

- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
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- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- 
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
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- Saint Pierre and Miquelon
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
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- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
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- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- 
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
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- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
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| <input type="radio"/> Chile                            | <input type="radio"/> Isle of Man | <input type="radio"/> Panama                                      | <input type="radio"/> Ukraine                              |
| <input type="radio"/> China                            | <input type="radio"/> Israel      | <input type="radio"/> Papua New Guinea                            | <input type="radio"/> United Arab Emirates                 |
| <input type="radio"/> Christmas Island                 | <input type="radio"/> Italy       | <input type="radio"/> Paraguay                                    | <input type="radio"/> United Kingdom                       |
| <input type="radio"/> Clipperton                       | <input type="radio"/> Jamaica     | <input type="radio"/> Peru  | <input type="radio"/> United States                        |
| <input type="radio"/> Cocos (Keeling) Islands          | <input type="radio"/> Japan       | <input type="radio"/> Philippines                                 | <input type="radio"/> United States Minor Outlying Islands |
| <input type="radio"/> Colombia                         | <input type="radio"/> Jersey      | <input type="radio"/> Pitcairn Islands                            | <input type="radio"/> Uruguay                              |
| <input type="radio"/> Comoros                          | <input type="radio"/> Jordan      | <input type="radio"/> Poland                                      | <input type="radio"/> US Virgin Islands                    |
| <input type="radio"/> Congo                            | <input type="radio"/> Kazakhstan  | <input type="radio"/> Portugal                                    | <input type="radio"/> Uzbekistan                           |
| <input type="radio"/> Cook Islands                     | <input type="radio"/> Kenya       | <input type="radio"/> Puerto Rico                                 | <input type="radio"/> Vanuatu                              |
| <input type="radio"/> Costa Rica                       | <input type="radio"/> Kiribati    | <input type="radio"/> Qatar                                       | <input type="radio"/> Vatican City                         |
| <input type="radio"/> Côte d'Ivoire                    | <input type="radio"/> Kosovo      | <input type="radio"/> Réunion                                     | <input type="radio"/> Venezuela                            |
| <input type="radio"/> Croatia                          | <input type="radio"/> Kuwait      | <input type="radio"/> Romania                                     | <input type="radio"/> Vietnam                              |
| <input type="radio"/> Cuba                             | <input type="radio"/> Kyrgyzstan  | <input type="radio"/> Russia                                      | <input type="radio"/> Wallis and Futuna                    |
| <input type="radio"/> Curaçao                          | <input type="radio"/> Laos        | <input type="radio"/> Rwanda                                      | <input type="radio"/> Western Sahara                       |
| <input type="radio"/> Cyprus                           | <input type="radio"/> Latvia      | <input type="radio"/> Saint Barthélemy                            | <input type="radio"/> Yemen                                |
| <input type="radio"/> Czechia                          | <input type="radio"/> Lebanon     | <input type="radio"/> Saint Helena Ascension and Tristan da Cunha | <input type="radio"/> Zambia                               |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho     | <input type="radio"/> Saint Kitts and Nevis                       | <input type="radio"/> Zimbabwe                             |
| <input type="radio"/> Denmark                          | <input type="radio"/> Liberia     | <input type="radio"/> Saint Lucia                                 |  |

#### \* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.



## Anonymous

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

## Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

## Part 2 - Questions to all stakeholders

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In this section, we seek the general public's as well as different stakeholder's views on packaging, packaging waste and reuse options to help inform the assessment of the Packaging and Packaging Waste Directive.

### Questions 1-5 - Packaging in general

\* 1. What is your general opinion on the current amount of packaging around products placed on the EU market?

- Far too much
- Too much
- Just about right
- Too little
- Far too little
- No opinion

1.1 If you would like to provide further explanation for your choice you can do so in this text box.

*450 character(s) maximum*

AmCham recognizes that packaging exists to fulfil fundamental functions in terms of protecting the product and the resources invested in the product. Such functions include ensuring the health and safety of consumers, maintain shelf-life, preventing waste of the product and associated resources, the efficient handling, distribution and transport of the product, and the provision of key information (including mandatory labelling).

2. Considering your visits to stores in the EU in the past 12 months, please choose a description from the options below that best matches your general impression

about the amount of packaging for the listed items. You also have the option of indicating that you do not have an opinion. Please check 'No opinion' if you do not have experience of purchasing this product in the last 12 months.

	Far too much	Too much	Just about right	Too little	Far too little	No opinion
* Fresh fruit and vegetables	<input type="radio"/>	<input checked="" type="radio"/>				
* Cosmetics	<input type="radio"/>	<input checked="" type="radio"/>				
* Ready meals	<input type="radio"/>	<input checked="" type="radio"/>				
* Cleaning products	<input type="radio"/>	<input checked="" type="radio"/>				
* Beverages (alcoholic and soft drinks)	<input type="radio"/>	<input checked="" type="radio"/>				
* Dried foods such as rice and pasta	<input type="radio"/>	<input checked="" type="radio"/>				
* Electronic goods including headphones, mobile phones, laptops	<input type="radio"/>	<input checked="" type="radio"/>				
* Sports equipment	<input type="radio"/>	<input checked="" type="radio"/>				
* Clothes	<input type="radio"/>	<input checked="" type="radio"/>				
* Shoes	<input type="radio"/>	<input checked="" type="radio"/>				
* Fashion accessories	<input type="radio"/>	<input checked="" type="radio"/>				
* Children's toys	<input type="radio"/>	<input checked="" type="radio"/>				
* Gardening equipment	<input type="radio"/>	<input checked="" type="radio"/>				
* Household electric items such as toasters, kettles, fridges	<input type="radio"/>	<input checked="" type="radio"/>				
* Pharmaceutical products	<input type="radio"/>	<input checked="" type="radio"/>				
* Meat – poultry, beef, pork, etc	<input type="radio"/>	<input checked="" type="radio"/>				
* Other – please specify in text box below	<input type="radio"/>	<input checked="" type="radio"/>				

2.1 If you selected 'other' and/ or would like to provide further explanation for your choices you can do so in the text box below.

*450 character(s) maximum*

If you have **photographs** of packaging that you consider to be 'too much' or 'far too much' please upload these at the very end of the survey.

\*

3. Considering any **online purchases** in the last 12 months, please choose a description from the options below that best matches your general impression about the amount of packaging. Please check 'No opinion' if you do not have experience of purchasing product online in the last 12 months.

- Far too much
- Too much
- Just about right
- Too little
- Far too little
- No opinion

4. What is your view on each of the following statements regarding the consumption of packaging? You can also choose 'No opinion'.

Statement	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	No opinion
* I buy items free of packaging wherever they are available as an option	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* If items are available in both packaged and unpackaged forms, I choose based on price or brand	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* If items are available in both packaged and unpackaged forms, I choose the one with least packaging	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* If the same product has multiple packaging options, I would choose the packaging with the highest recycled content	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Purchasing biodegradable/compostable plastic packaging is better for the environment than buying packaging made from conventional plastic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* I would be prepared to bring my own reusable packaging along to the shop in order to avoid relying on single use packaging	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* I would be willing to bring reusable packaging back to the shop so it can be cleaned and refilled	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Customer' reusable packaging should be accepted in shops, including for perishable food.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Packaging around food protects it and prolongs its shelf life thereby preventing food waste	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* When purchasing medication, I want to be able to purchase only the prescribed amount, to minimise pharmaceutical packaging waste	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* It is acceptable to me to have less convenience when shopping if it reduces packaging waste.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

<p>* It is acceptable to me to have less convenience when consuming food and drink on the go if it reduces packaging waste.</p>	<input type="radio"/>	<input checked="" type="radio"/>				
<p>I am prepared to accept slight damage to the packaging of a product purchased online to avoid further cardboard packaging being used if the product itself was undamaged</p>	<input type="radio"/>	<input checked="" type="radio"/>				

4.1 If you would like to provide further explanation for your choices you can do so in this text box.

*450 character(s) maximum*

5. What is your view on each of the following measures and their potential to help promote more sustainable (use of) packaging? You can also choose 'No opinion'.

<b>Measures</b>	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	No opinion
* Stores should be banned from giving away free any individually packaged goods (such as condiments e.g. ketchup sachets) where reusable packaging options are available.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* There should be EU wide restrictions or bans on packaging where packaging is unnecessary to protect the product or ensure hygiene	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* There should be EU wide restrictions or bans on single use, disposable packaging when reusable alternatives are readily available	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Packaging should be compostable when the packaging is very likely to end up in separately collected organic (food) waste (eg fruit stickers, tea bags)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Packaging should be compostable when this could facilitate separate collection of organic waste (eg disposable coffee capsules)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* There should be a requirement for all recyclable packaging to be clearly labelled as recyclable.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* There should be a requirement for all compostable packaging to be clearly labelled as compostable.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There should be a requirement for all reusable packaging to be clearly labelled as reusable.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* There should be EU target(s) for Member States to reduce or limit packaging waste generation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* There should be a requirement according to which, for certain product categories (e.g. fruit and vegetables), a certain percentage of products sold in a shop should be sold without packaging e.g. loose.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* There should be EU target(s) for Member States on reusable packaging in sectors where this is feasible such as refill quotas for beverages, food boxes, pallets, cleaning products etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* There should be a national advisory body promoting and helping businesses assess the environmental, economic and social benefits of reusable products and packaging in my country.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* There should be dimension limits for packaging used to deliver goods bought online to minimise unnecessary empty space.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* There should be a requirement on public authority buyers to purchase products using reusable, recyclable and returnable packaging options for specified purposes/goods within the public sector as a minimum in all instances rather than this being a voluntary option e.g. drinking water, catering services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

* There should be a requirement for public sector buyers to purchase products with packaging which contains recycled content to build sustainable markets for plastic waste that is collected for recycling.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
There should be taxes on single use packaging in my country to incentivise using less or reusable packaging.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* There should be a requirement on EU Member State to require companies/ organisations to have packaging waste prevention plans in place.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Targets for mandatory recycled content for specific packaging formats should be set, such as a minimum content of recycled plastic for specific packaging items.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5.1. If you would like to provide further explanation for your choices you can do so in this text box.

*450 character(s) maximum*

Packaging waste generation has been conflated with packaging put on the market. Policies seeking to limit packaging waste should focus on the non-recycled component rather than packaging per se. Mandated recycled content is problematic if actors cannot employ recycle due to regulatory constraints or secure materials at competitive prices due to demand from non-packaging sectors. Corresponding policies to enable uptake are a pre-requisite.

**In the next section, we are interested to understand what actions you currently undertake, if any, to reduce the use of packaging.**

### **Question 6-9 - Reusable Packaging**

\* 6. Do you do use reusable packaging?

- Yes
- No
- I don't know

\* 7. How strongly do you agree or disagree that you would be happy to use reusable packaging for goods purchased online (this could mean bringing your packaging to a collection point or leaving it outside your residence for collection)?

- Strongly agree
- Agree
- Undecided
- Disagree
- Strongly disagree
- No opinion

\* 8. Do shops or other providers of food and drinks exist in your area that provide the option for you to use your own re-useable container?

- Yes
- No
- I don't know

\* 9. In the last year have you actively looked for shops or other food and drink providers that provide the option for you to use your own re-useable container?

- Yes
- No
- I don't know

**In the next section, we are interested to understand your views on the recyclability and labelling of packaging.**

10. Regarding the recyclability and labelling of packaging, please indicate your view of the following statements:

Statement	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	No opinion
* A lot of packaging I buy is not recyclable.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* A lot of plastic packaging I buy is not recyclable.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* I want all packaging to be recyclable.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* I'm willing to separate elements of a piece of packaging at home (e.g. removing plastic film	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

from cardboard) to increase its recyclability (further question below on this issue).						
* I find the labelling that contains instructions on whether the packaging is recyclable is easy to find and clear to understand.	<input type="radio"/>	<input checked="" type="radio"/>				
* I find the labelling that contains instructions on whether the packaging is compostable is easy to find and clear to understand.	<input type="radio"/>	<input checked="" type="radio"/>				
* I would be willing to spend more time separating packaging materials (eg. plastic from cardboard) to increase the amount of packaging recycled	<input type="radio"/>	<input checked="" type="radio"/>				
* I often find myself trying to separate a packaging item into the different materials it is composed of in order to recycle and struggle because the packaging is not designed to be separated into its individual components. (You may indicate for what products in this section's final text box).	<input type="radio"/>	<input checked="" type="radio"/>				

**Thank you for spending time completing part 2 of this questionnaire. Your answers are valuable in helping us to understand your views on this issue. If you wish to expand on any of your answers or to add comments, please do so in the box below.**

*1500 character(s) maximum*

We have avoided responding to (mandatory) questions targeting individual citizens. As such we have indicated "no opinion" or "I don't know".

**Any documents you may want to share can be uploaded at the very end of this questionnaire.**

**If you would like to submit your replies to the questionnaire at this stage, please go to the end of the expert part and click on the "submit" button. You do not need to fill in the questions in the part for experts unless you would like to do so.**

### **Part 3: Questions targeted at expert stakeholders**

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## **Question 11. Policy and operational objectives and related measures targeting packaging**

In addition to the general considerations above, we invite your views on a number of policy and operational objectives as well as related measures that are being considered to address the problems that have been identified.

Please indicate to what extent you agree with particular emphasis being placed on the following objectives in the context of this review.

**Background to objective 1:** Almost all products placed on the market require some form of packaging. Requirements for packaging thus have an enormous impact on the free flow of goods within the EU. Essential requirements set a complex mesh of different conditions. To ensure continued success of the internal market, EU should step up its ambition to secure harmonized requirements and uniform implementation.

### **Objective 1: To increase level playing field and harmonization of requirements for products placed on the internal market**

- Strongly agree
- Agree
- Undecided
- Disagree
- No opinion

**Background to objective 2:** Packaging waste has continued to rise over time in absolute terms and in per capita terms. Greenhouse gas emissions are closely linked to packaging waste generation. Decoupling the generation of packaging waste from economic activity and consumption supports the circular economy and may support greenhouse gas reduction targets depending on the nature of the resultant changes.

### **Objective 2: To limit and/or reduce the packaging waste generated across the EU**

- Strongly agree
- Agree
- Undecided
- Disagree
- No opinion

**Background to objective 3:** The share of reusable packaging has been declining in recent years in relative and absolute terms, particularly for consumer packaging. Reusable packaging can support reductions in packaging waste generation and can lead to decreased greenhouse gas emissions.

**Objective 3: To promote the use of reusable packaging whenever logistically feasible with a view to reduce packaging waste generation**

- Strongly agree
- Agree
- Undecided
- Disagree
- No opinion

**Background to objective 4:** As more complex packaging designs have been developed and placed on the market – for various reasons – this has had a negative impact on the recyclability of some packaging waste streams. Designing the packaging for recyclability is key to increasing packaging recycling rates.

**Objective 4: To increase the recyclability of packaging**

- Strongly agree
- Agree
- Undecided
- Disagree
- No opinion

**Background to objectives /measures 5-7:** There are no harmonised definitions on biodegradable and compostable packaging and this has an impact on legal certainty and free movement of goods. Plastics that are labelled 'compostable' or 'biodegradable' are not necessarily suitable for home composting. Appropriate and harmonised labelling of packaging is required to ensure consumers are aware of the recyclability, reusability and /or compostability of the packaging to ensure adequate disposal in particular to prevent the contamination of organic waste with conventional plastics and of the conventional plastic recycling streams with biodegradable plastics. Restrictions on the use of compostable packaging could prevent contamination of the non-compostable waste stream.

**Objective 5: Develop clear definitions of biodegradable and compostable packaging**

- Strongly agree
- Agree
- Undecided
- Disagree
- No opinion

**Objective 6: Harmonise the labelling of biodegradable and compostable packaging**

- Strongly agree
-

- Agree
- Undecided
- Disagree
- No opinion

**Objective 7: Set criteria for the use of compostable packaging in order to restrict the types of packaging that can be designed for composting**

- Strongly agree
- Agree
- Undecided
- Disagree
- No opinion

**Background for objective 8:** For some packaging types/materials the level of recycled content is low. This inhibits recycling markets as the demand for secondary raw materials made from recycled packaging is low. Establishing recycled content targets and increasing the level of recycled content in packaging for certain types/materials where the markets are not yet developed could increase the demand for such secondary materials and support the recycling industry.

**Objective 8: Increase the level of recycled content in packaging**

- Strongly agree
- Agree
- Undecided
- Disagree
- No opinion

**Background to objective 9:** The existing essential requirements were found to be weakly enforced. To ensure all of the above policy objectives are met it is important to ensure effective enforcement mechanisms are developed to ensure compliance. However, the administrative burden of any reporting and monitoring tools for industry and member states should be minimised to the extent possible.

**Objective 9: Ensure that the mechanisms to enforce compliance with the essential requirements for packaging are effective whilst minimising administrative burden**

- Strongly agree
- Agree
- Undecided
- Disagree
- No opinion

## Question 12. Policy Measures

In addition, we invite your views on a number of potential policy measures that could contribute to meeting the objectives set out above. These have been grouped according to various key themes.

For each measure, please indicate their anticipated level of effectiveness and efficiency.

### 12.1. Waste prevention measures

#### Level of effectiveness and efficiency

	It would not reduce packaging waste and/ or would not reduce negative environmental impacts	It would reduce packaging waste and/ or would reduce negative environmental impacts, but costs would outweigh the benefits	It would reduce packaging waste and/ or would reduce negative environmental impacts and costs would be acceptable	No opinion
EU wide restrictions or bans on packaging for specific types of products where packaging is unnecessary to protect the product or ensure hygiene	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Member State level packaging waste generation reduction targets or limits relative to population (e.g. maximum amount of kg per capita) apply	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Member State level packaging waste generation reduction targets or limits relative to Gross domestic product (GDP) (e.g. maximum amount per unit of GDP or in relation to final household consumption)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement according to which, for certain product categories, a certain percentage of products should be sold loose/without packaging.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EU wide targets on reusable packaging placed on the market in sectors where this is feasible	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

such as refill quotas for beverages, food boxes, pallets, cleaning products etc.				
Requirement on mandatory use reusable packaging for some transport packaging e.g. pallets.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Development of guidance on effective reuse systems through reference to a European Standard.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Establishment of a national advisory body promoting and helping businesses assess the environmental, economic and social benefits of reusable products and packaging in my country.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement on mandatory dimension limits for packaging used for online purchases to minimise unnecessary empty space.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Requirement on public authorities to purchase reusable packaging for specified purposes within the public sector e.g. drinking water, catering services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Country level taxes on single use packaging to incentivise using less or reusable packaging.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Each EU Member State must require companies and organisations to create packaging waste prevention plans.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement on producers to reduce overpackaging by reporting to a central registry on the volume, weight and planar area ratios of packaging to product if, for either one of these three measures, the packaging exceeds a specific threshold ratio	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement for packaging not to exceed any of a set of threshold ratios of packaging to	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

product established in terms of volume, weight and surface area.				
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**12.2. Measures to reinforce the essential requirements to improve design for reuse and promote high quality recycling and strengthen their enforcement**

To develop a better understanding of the measures listed in the table below you may want to consult the [Scoping study on reinforcing the essential requirements for packaging](#) in the context of which these measures were identified.

### Level of effectiveness and efficiency

	It would not improve packaging design and/ or would not reduce negative environmental impacts	It would improve packaging design and/ or would reduce negative environmental impacts, but costs would outweigh the benefits	It would improve packaging design and/ or would reduce negative environmental impacts and costs would be acceptable	No opinion
Requirement that all packaging shall be reusable or recyclable (as defined through the following possible approaches).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The term 'recyclable' in the requirement above is defined by qualitative statements.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The term 'recyclable' in the requirement above is defined by a design for recycling based approach implemented through a technical committee.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The term 'recyclable' in the requirement above is defined by use of a recycling rate threshold (i.e. determine minimum threshold to be achieved for a packaging format to qualify as 'recyclable') – facilitated through utilisation of digital watermarking technologies.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Requirement that all reusable packaging must be recyclable unless there is a demonstrated robust case for an exemption.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
In addition to the requirement to be reusable or recyclable, the packaging shall be designed not to exceed the minimum volume and weight necessary for its functionality under critical areas (limited to product protection, hygiene, safety, legally required information and recyclability functions). In addition to amending the wording of the Annex II, point 1, this measure would include amending Standard EN 13428 to refine/remove the critical areas that limit further reductions in the volume or weight of packaging.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Requirement mandating the reduction in the use of polymers used in packaging in order to increase recycling rates.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Update of CEN Standard 13432 to further specify the concepts of compostable and biodegradable packaging and to ensure actual composting conditions are taken into account.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Requirement mandating of compostable packaging when the packaging is very likely to end up in separately collected organic (food) waste (e.g. fruit stickers, tea bags).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Requirement mandating compostable packaging when this could facilitate the collection of organic waste (e.g. disposable coffee capsules).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Requirement mandating a ban on compostable/biodegradable packaging for certain applications or when not related to food waste capture.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Requirement for all recyclable packaging to be clearly labelled as recyclable.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Requirement for all non- recyclable packaging to be clearly labelled as non-recyclable.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Requirement for all compostable packaging to be clearly labelled as compostable.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Requirement for all reusable packaging to be clearly labelled as reusable.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
EU guidance on dimension limits for packaging used for online purchases to minimise unnecessary empty space.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**12.3. Measures related to increasing recycled content in packaging to ensure a well-functioning market for secondary raw materials**

**Level of effectiveness and efficiency**

	It would not increase demand and/ or would not reduce negative environmental impacts	It would increase demand and/ or would reduce negative environmental impacts, but costs would outweigh the benefits	It would increase demand and/ or would reduce negative environmental impacts and costs would be acceptable	No opinion
Inclusion of a requirement in the Essential Requirements for a new CEN Standard setting out a mandatory process to be followed to assess the potential to include recycled content in plastic packaging.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Inclusion of a requirement in the Essential Requirements for a new CEN Standard setting out a mandatory process to be followed to assess the potential to include recycled content in all packaging types.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The setting of recycled content targets for specific plastic packaging formats.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The setting of recycled content targets for packaging formats made of materials other than plastic.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**12.3.1. Which packaging types / formats / materials do you believe are most suitable and/or in need of mandatory recycled content targets being set?**

*1000 character(s) maximum*

Different sectors will be able to respond in different ways to any mandated recycled content for plastic packaging. The ability to employ recycled content will be dependent on several factors that are beyond the control of the individual companies involved. These include the regulatory framework applicable to given product categories and the economic landscape that dictates the quality, availability and price of secondary

raw materials. Mandating secondary raw material uptake implies corresponding policy actions to enable use and access to materials (including interference in free markets to preclude access to recycled materials by non-packaging sectors).

**12.4. Measures related to Green Public Procurement (GPP) to promote reusable packaging or recycled content in packaging**

**Level of effectiveness and efficiency**

	It would not be effective and/ or would not reduce negative environmental impacts	It would be effective and/ or would reduce negative environmental impacts, but costs would outweigh the benefits	It would be effective and/ or would reduce negative environmental impacts and costs would be acceptable	No opinion
The use of GPP criteria to require the use of reusable options for specified purposes within the public sector e.g. drinking water, catering services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The introduction of mandatory GPP criteria at national and sub national level relating to minimum levels of recycled content in packaging.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**Question 13**

13. What additional EU level measure(s), if any, would you recommend to meet any of the policy objectives set out above?

*1000 character(s) maximum*

The Single Market for packaged goods is under threat from national initiatives that seek to restrict some aspect of packaging execution. Any new provisions must be explicitly defined in the legal text and key aspects should not be postponed to secondary legislation or subsequent guidance for reasons of expediency (as was the case for the Single Use Plastics Directive). A maximum degree of harmonisation across the Member States should be aimed for. There should be one EU Circular Economy and not 27 individual national Circular Economies that are not consistent in respect of key measures. Enforcement applies to member states as well as economic actors. An explicit linkage between any new provisions or targets and necessary support actions should be made, particularly if targets are dependent on new infrastructure or technologies.

## Question 14

14. Which are the most important reasons for you to have decided that you do not support specific measures above (for example loss of flexibility, administrative costs, risks, ongoing industry-led initiative will resolve the issue)? Please substantiate your statement with quantitative data as much as possible. You can add information by using the option of attaching a document to your response (see end of survey)

*1000 character(s) maximum*

The questionnaire's structure sometimes precluded an appropriate response to some of the questions, particularly when there are multiple considerations that need to be taken into account. AmCham EU has therefore provided more detailed feedback in a separate position paper.

## Question 15 - Research and development & innovation potential

15. Which one of the following drivers do you consider has the potential to make a large contribution to increasing the recycling of packaging and its cost-effectiveness within the next 10 years?

**Ability to increase the recycling of packaging**

Drivers	Strongly agree	Agree	Neither agree nor disagree/ undecided	Disagree	Strongly disagree	No opinion
Further optimisation of mechanical recycling	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tracer based sorting technologies	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Digital watermarking for labelling on packaging to facilitate sorting	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Non-mechanical recycling e.g. chemical recycling	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reducing the number of polymers in use for packaging	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Compostable plastics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other – please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Questions 16 - 18 - Impacts of Covid-19

16. In your experience, has COVID-19 pandemic impacted the demand for packaging? Please check one box.

- Yes
- No
- I don't know

16.2 If yes, what changes do you expect to persist beyond 2021? Please check from the list of below answers. You can check multiple boxes.

- More packaging in general
- More plastic packaging for food
- More plastic packaging for hygiene products
- Less consumption overall so less packaging
- Continued growth of online purchases into the future leading to more online delivery packaging
- Other - please specify

17. Has COVID-19 pandemic affected the recycling of packaging waste? Please check one box.

- Yes
- No
- I don't know

18. Have the packaging production supply chains been disrupted by the COVID-19 pandemic? Please select only one answer.

- Yes
- No
- I don't know

### **Question 19 - Interviews**

19. Please indicate here whether you would be interested and willing to take part in follow-up interviews to gather more information and views about the PPWD?

- Yes
- No

### **Final remarks**

Should you wish to provide additional information (for example a position paper) or raise specific points not covered by the questionnaire, you can upload your additional document here.

Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.

## Please upload your file

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

**475ddf96-edba-424b-8444-459e0ea51dc1/AmCham\_EU\_Position\_Paper\_PPWD\_consultation\_FINAL.pdf**

You may provide any hyperlinks in the box below:

Note to our contribution via the questionnaire: We want to point out relating to objective 2 ("to limit and/or reduce the packaging generated across the EU") that our answer is strictly referring to the limitation of packaging waste that ends up in the environment, becoming litter and not to packaging placed on the market.

## Background Documents

[PPWD Consultation Strategie](#)

## Contact

[Contact Form](#)

## Consultation response

# Response from AmCham to the EU Consultation on the Revision of the Packaging & Packaging Waste Directive

*'Reducing packaging waste – review of rules'*

AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled more than €2 trillion in 2018, directly supports more than 4.8 million jobs in Europe, and generates billions of euros annually in income, trade and research and development.

# Introduction

## Commitment of AmCham EU Members

AmChamEU members have embedded circularity in their business plans and recognise that more needs to be done in order to create well-functioning secondary raw materials markets and to improve efficiency in the use of resources. This includes reduction in use of virgin material, further removing unnecessary packaging, increasing reuse as well as use of recycled content in their products or packaging, which requires significant capital expenditure. AmChamEU members are also investing on packaging innovation at scale, on both product design and recycling technologies. Making progress on all those fronts will also contribute significantly to the climate neutrality objective Europe is aiming at.

## Review Aims

The [stated aim](#) of the review is to “*improve packaging design to facilitate its cost-effective recycling and reuse and reduce the generation of packaging waste*”. Several points are advanced as the underlying rationale driving the need for the consultation. Namely, that (i) there has been “*an overall increase in packaging waste generated*” in the last three decades and (ii) “*packaging design does not sufficiently consider the difficulties and costs of treatment of packaging waste (including collection and sorting). It thus increases the cost of recycling*”. It is also indicated that “*Unrecycled packaging waste is disposed of in landfills or incinerated with negative consequences for the environment including air pollution and greenhouse gas (GHG) emissions.*”

There has undoubtedly been an increase in the amount of packaging placed on the market (which can perhaps in part be ascribed to demographic changes such as the proportion of single households, growth in consumption etc). However, we must also acknowledge the existence of a positive trends such as the increase in both the proportion and absolute amount of packaging waste recovered or recycled. In this respect, it is instructive to consult the Eurostat statistics on EU packaging waste management (see Annex). Amalgamated data for the EU-28 is only available for the period 2005 until 2017). It is clear that that there has been an increase in the amount of packaging generated (i.e., +8.8% between 2005 and 2017). However, it must also be highlighted that the amount of packaging waste recovered or recycled (as material) has also increased (i.e., +30.6% and + 34.4% respectively over the same period). As a consequence, the amount of packaging that has not been recovered or not recycled has correspondingly **decreased** on a per capita basis since 2005. This would also imply that the amount of unrecycled packaging going to either landfill or incineration (along with the concomitant negative impacts) will likewise have also **decreased** on a per capita basis since 2005. This is a consequence of evolving waste policy and the success of existing EPR schemes that support the separation collection of packaging waste as financed by the packaging value chain at a cost of >€3 billion per annum. In the preamble, the Commission has therefore conflated packaging placed on the market, with packaging waste *per se* without an accompanying consideration of the ensuing ultimate post-consumer fate.

## High-level priorities

While AmCham welcomes the opportunity to provide input to the European Commission work on the review of the P&PWD, we believe that the following principles need to be taken into account in the policy discussion.

### Respect for the Internal Market Basis of the P&PWD

The internal market is one of the most significant achievements of the European Union. The internal market basis of the P&PWD (TFEU Article 114) allows for the free circulation of packaged goods within the EU. Likewise,

Article 18 (*'Freedom to place on the Market'*) of the P&PWD precludes Member State actions that *"impede the placing on the market of their territory of packaging which satisfies the provisions of this Directive"*. AmCham believes that in order to retain the benefit of the EU internal market it is crucial to foster harmonization across Member States. We believe that it is crucial that any measures proposed for the Essential Requirements should be implemented and enforced in a harmonised manner so as to provide a transparent and predictable guidance for business to comply with. The Essential Requirements should remain the legal requirement that all packaging must comply with in order to be permitted to enter and freely circulate throughout the EU internal market. Core provisions should ideally be clearly enshrined in the main EU legislative text or in its implementing acts in order to avoid differences in national interpretation at transposition or in practice.

### **Adequately account for the lack of implementation of existing and pending legislation relating to packaging**

There are multiple provisions within EU/2018/851 and EU/2018/852 in relation to packaging and that have yet to take effect. Ensuring the effective and consistent implementation of existing legislation across all Member States should always be a priority before any new provisions are added. The adoption of the SUP Directive left many key issues unresolved and effectively postponed for subsequent measures or guidance. It also provides great scope for divergent Member State measures. It is imperative that the Commission does not once again postpone considerations of the modality of key provisions in favour of expediency.

### **Better Enforcement of the Internal Market**

Divergent and disparate practices amongst Member States are always problematic as Member State measures on packaging can translate into restrictions on the free movement of packaged goods. There is currently a worrying trend for divergent national provisions that are inconsistent with Article 18 of the P&PWD (e.g., the French Triman provisions, unilateral restrictions on the placing of products on the French market). Such initiatives can only erode the integrity of the single market. We see a need for the better enforcement of the current P&PWD in respect of the Internal Market protections. It is of critical importance the regulatory framework be strengthened to deliver a well-functioning Single Market not just for packaging but also for Post Consumer Recyclate (PCR)/ SRM. The PPWD should address the regulatory barriers arising from insufficient harmonization and weak enforcement of existing EU provisions at the national level. In particular, key provisions must be clearly indicated in the text of the Directive for maximum harmonization across Member States. The Waste Shipments Regulation review should also be strengthened to allow intra-EU waste shipments of PCR. Actions by Member States that prohibit the use of recycled plastic from other Member States should be prevented as the resulting market fragmentation will slow down the development of an EU-wide Circular Economy.

AmCham fully supports any attempt by the European Commission to drive better enforcement across the EU against any national provisions that run counter to the Internal Market protections within of the P&PWD.

### **Recognition of the importance of innovation:**

Legislation should ensure flexibility to innovate at scale and corresponding flexibility in choosing packaging executions. Waste prevention and packaging design requirements should be set on the basis of performance-based objectives. *'Goals'* rather than the *'means'* should be outlined rather than overly prescriptive measures. AmCham supports a European policy framework that provides, through a long-term vision, legal certainty and economic predictability and that allows the packaging value chain to continue investing in sustainable solutions at scale. Innovation should be encouraged and enabled but cannot be prescribed.

**Avoid any separate consideration of the packaging divorced from the needs of the product:**

The prime function of packaging is to ensure and maintain the highest levels of quality, safety, and integrity of the product and the protection of the corresponding resources invested in the product. These will almost always be more significant than the packaging from a life-cycle perspective. Both packaging and product therefore needs to be considered holistically and the needs of the product cannot be divorced from the packaging in respect of policy. AmCham therefore believes that any policy options should protect and recognise packaging functionality and always consider the needs of the product, its safety and integrity. Life-cycle analysis should therefore be used to inform any proposed new provisions. Packaging also serves to provide information to consumers and can contribute to healthier lifestyles (e.g., more appropriate portion sizes). Any apparent example of *'over-packing'* needs to be subject to an holistic analysis so to avoid the unintended risks linked to sub-optimal packaging design such as product waste.

**Recognise that policy options cannot be focused solely on packaging design and that more investments in waste management and recycling infrastructure are needed:**

While packaging design can contribute to increased recyclability, inadequate recovery and recycling infrastructure is currently an obstacle to the achievement of waste recycling objectives. Investment in waste management infrastructure and optimization of waste recovery systems are of paramount importance as they are also major determinants of 'recyclability'. Consequently, the EU Recovery funds focusing on the Green Recovery should also support the improvement and further creation of recycling infrastructure in the Member States. We also acknowledge the need for industry to continue to raise consumer awareness and engagement in respect of their choices as consumers and actions in initiating the separate collection of packaging waste.

**A central role for impact assessment:**

All new requirements should be subject to an appropriate impact assessment. This would ensure that they are based on objective criteria to avoid unintended and potentially adverse consequences. Life-cycle analysis has a key role to play in this respect.

## Specific issues

In terms of specific issues, AmCham wishes to comment on those highlighted below.

**Prescriptive packaging ratios**

Prescriptive packaging ratios have at times been mooted as a solution to apparent over-packaging as part of the Essential Requirements. However, there are no absolute references to define what should be optimum amount of packaging. AmCham believes that as packaging functionality is of critical importance in order to ensure safety and hygiene for the consumer, consistency with existing sectorial regulations must be ensured. Prescriptive ratios would therefore require a very high level of granularity down to individual product category level. From a pragmatic perspective, this would be a highly resource intensive process. Any effort to dilute this effort and employ 'generic' ratios would risk be overly lenient to certain sectors and overly punitive for others. Packaging design should always be led by industry who are best placed to competently balance the various objectives inherent in the design process, as well as drive and implement innovation in this respect.

**Mandated recycled content**

The [Inception Impact Assessment](#) Roadmap indicates that the Commission will examine introducing recycled content targets for specific packaging formats. The Commission correctly identifies that the key obstacles to the

incorporation of secondary materials from recycled packaging are the high costs relative to virgin feedstock coupled with their limited availability of stable quantities of appropriate quality. It is suggested that this is “because the packaging design does not sufficiently consider the difficulties and costs of treatment of packaging waste (including collection and sorting) and thus increases the cost of recycling”. The Commission then highlights the phenomenon of difficult-to-recycle packaging such as flexible multilayer composite that is increasingly light-weighted at the expense of recyclability. However, it is currently not the quantity *per se* of materials being recycled that is problematic in terms of secondary raw materials. Rather, it is the ability to secure materials of necessary quality.

With the proper incentives and investments in sorting and recycling technologies, films and flexible packaging that today is not recycled at scale, can be properly collected and sorted, building sufficient volumes to become economically attractive for recycling to meet recycling targets. Specifically, for films and flexible packaging, there are encouraging examples of what can be achieved with this approach as shown by the recent commitment of the EPR scheme Fostplus in Belgium to recycle flexible packaging, following the examples set in Germany and the Netherlands

AmCham believes that any policy measures designed to stimulate demand for recyclates must take into account the regulatory, technical, quality, and supply-chain barriers to include recycled content within packaging. Sectors differ markedly in their respective ability to employ recycled content. For example, regulatory restrictions particularly apply to food contact materials or medicinal products and other sectors may also choose to employ food-contact grade packaging materials (e.g., cosmetics). Sectors also differ in their legal obligations. At present, beverage bottles are the only obliged industry mandated to use recycled content with targets in 2025 and 2030 under the Single Use Plastic Directive. Ensuring clear and appropriate standards for recyclate is a real priority. Ignoring this reality, would disadvantage certain sectors. Paradoxically, accommodating the needs of some sectors in terms of the difficulties in incorporating mandated recycled content would then potentially disadvantage other sectors by placing a disproportionate burden on them in order to achieve any overall EU targets for recyclate use. Key actors in many sectors have already signalled their strong commitment to increasing recyclate use (i.e., the Commission’s ‘Pledging Exercise’ and the Circular Plastic Alliance). The introduction of any further mandatory requirements for the incorporation of secondary raw materials implies a need for corresponding policy actions to enable use and ensure access to materials. Provisions mandating recyclate use should therefore not be made in isolation and clearly need to be balanced with other facilitating actions. In this respect, any new targets for recyclate use need to be linked to pre-conditions around supply.

One important consideration is the need to recognize that packaged goods are in competition for key recyclates with each other and with other sectors (e.g., rPET is employed by the textile industry). If such actors are better able to purchase recyclates, then sectors with a mandated requirement for recycled content may not be able to secure sufficient materials. The Commission clearly needs to explicitly consider how it can ensure access to recycled material (within a free market) to allow impacted industrial sectors to fulfil their legal requirements. For example, beverage bottles are subject to mandated recycled content under the Single Use Plastic Directive. This implies the need for a ‘food-grade comes first’ policy within legal frameworks to ensure that beverage bottles are collected and recycled back into food-grade raw materials to be used by the obliged industry rather than risk loss of this high quality material from the mandated sector and the thwarting of any investments in the recovery of high quality recyclates.

Incentivising a stronger uptake of recycled content needs to be accompanied by legal certainty for economic operators and a longer-term perspective in planning for investment in recycling innovation, infrastructure and

encouraging end-to-end supply chain alliances to facilitate its supply. It will require significant investments including capital expenditure. Also, implementation timelines must reflect the availability of recyclates and the time required by industry to meet regulatory requirements such as validation and stability testing, thus ensuring that human safety and product integrity are not compromised.

Stimulation of business and innovation should be an objective that is considered equal to the achievement of the environmental objectives. From a practical perspective, it is also important to understand that the manner of measurement of the incorporation of recyclate (if mandated) will impact the burden of compliance. For example, if mandated use is on the basis of each and every individual unit (i.e., on a *'per container'* basis) this would represent a much higher burden than if the obligation is applied over a longer period (i.e., averaged out over a specified period such as a quarter or on an annual basis for any given product line). There also needs to be accompanying guidance on claims and a consideration of the mass balance approach in calculating recycled content. The scope of sourcing of recycled content is also important. In this respect, the equivalence of chemical recycling (in addition to mechanical recycling) as well as a role for post-industrial or pre-consumer material (in addition to post-consumer material) should also be recognized.

### Chemical recycling technologies

In this context, chemical recycling technologies have an important role to play in making plastics packaging recyclable and accelerating the circular economy for plastics packaging as a complementary technology to mechanical recycling. Such technologies should be treated as a useful tool to handle contaminated plastics waste that is not mechanically recyclable and therefore currently has a low value (e.g. contaminated plastics waste, including much packaging waste). They have the potential to increase the value of this plastic waste by converting it into a valuable raw material from which to make virgin- equivalent plastic, for use in sensitive and highly regulated applications such as food contact and pharma applications. Thanks to their ability to deal with "legacy chemicals", chemical recycling technologies can bring mixed plastics waste into a non-toxic circular economy and prevent it from being landfilled or incinerated. The application of such recycling methods can play a crucial role to advancing the circular economy of plastics and plastics packaging and will help boost the ability of Member States to achieve EU recycling targets. This will require regulatory clarity on the ability to count chemical recycling technologies towards the achievement of the EU recycling targets.

### Appropriate definitions

Definitions should be scientifically robust, enable enforcement, ensure legal certainty and be aligned with definitions used in existing standards or legislation. There is a need for a clear definition of what is recyclable and/or providing criteria for what is recyclable. Effective recyclability is in large part determined by operational considerations. This recognition is important with respect to the need to ensure appropriate infrastructure across the EU.

### Consumer safety and overall environmental impact

As already highlighted, AmCham believes that every measure related to packaging should put the consumer (or end user) at the centre. Any measure should consider not only the environmental impact but also the safety aspects related to the needs of specific products (e.g., packaging that needs to be child-proof, packaging in the health sector being subject to specific regulatory regimes) as well as the consumer convenience (e.g., features that enhance ease of use).

At the same time, each measurement must be evaluated in its entirety. For example, measures that want to foster the uptake of reusable packaging must be evaluated on the basis of a case-by-case assessment. In fact, if

on the one hand the amount of packaging that reaches the end user could be reduced, on the other hand there could be an increase in secondary or tertiary packaging in another segment of the value chain. Therefore, to avoid any unintended negative environmental effect, an end-to-end evaluation should guide any potential approach.

## Conclusions

Long-term thinking is essential to allow time to implement previously agreed targets and prevent disruption. There are considerable differences between industries and sub-sectors, so it is important to allow scope of flexibility in determining how best to achieve an objective. Many key priorities are interlinked and those interdependencies need to be fully taken into account in coherent policy making. Regulatory measures should always be informed by objective evidence, comprehensive consultation and a full impact assessment. We would also urge the Commission and national governments to ensure that fiscal policies are fair and balanced and do not undermine consumer choice and affordability.

## Annex

### EU-28 Packaging Waste Management (2005-2017)

EU-28	2005	2010	2015	2017
	kg/capita			
Packaging generated (a)	159.8	156.3	166.6	173.9
Packaging recovery (b)	106.7	119.6	131.6	139.4
Packaging non-recovery (= a - b)	53.1	36.7	35.0	34.5
Packaging recycled (c)	87.3	99.3	109.6	116.5
Packaging recycled (material) (d)	86.1	98.7	109.0	115.7
Packaging non-recycled (material) (= a - d)	73.7	57.6	57.6	58.2

Source: [Eurostat](#)