

Packaging and Packaging Waste Regulation

POSITION PAPER

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European
Snacks
Association

The European Snacks Association asbl (ESA) is Europe's only trade organisation dedicated to advancing the savoury snacks industry on behalf of member snack manufacturers and suppliers, as well as national trade organisations¹.

Our members support the objectives of **promoting a transition to a circular economy model** and are striving to manufacture products with packaging that **maximise the use of resources and minimise waste**, while constantly ensuring the **optimum safety and quality of the food**. The majority of savoury snacks are packaged using flexible laminated plastic films because they are one of the most resource-efficient options which are currently available.

While manufacturers intend to continue to invest resources to offer more sustainable packaging solutions, we would like to emphasise from the outset that the **ambition to achieve efficient circularity for flexible packaging cannot happen without the development of services and infrastructures to properly collect, sort and recycle**, which are lacking across the European Union (EU). **Current barriers to recycling processes and technologies (such as chemical recycling) are also hampering the development of innovative solutions for packaging**.

We believe that the European Commission's proposal for a Packaging and Packaging Waste Regulation, notably by addressing the above shortcomings, could represent a **significant step towards a circular economy for packaging - including flexible plastic packaging** - and hence contributing to the European Union's climate neutrality goal and the Green Deal objectives.

This paper provides an overview of the elements of the proposed Regulation which should be modified or further improved to achieve the desired outcomes. They are articulated around the following key recommendations:

Key recommendations

- 1 Provide sufficient time for economic operators to re-design their packaging
- 2 Adopt a pragmatic approach when setting design for recycling criteria
- 3 Improve sorting and collection rates
- 4 Harmonise and clarify the definition of 'composite packaging'
- 5 Unlock authorisation of new and innovative recycling technologies such as chemical recycling
- 6 Avoid that recycled content in packaging is calculated per unit of packaging
- 7 Reconsider the restrictions on the use of certain packaging formats
- 8 Clarify that empty space means the pack-fill level for certain products

¹ ESA members are involved in the manufacture of potato crisps, corn chips /tortillas, pellet snacks, baked snacks, crackers, pretzels, savoury biscuits, popcorn, pork rinds, meat snacks, fruit snacks, peanuts, other snack nuts and various other savoury snacks in this category.

1 Recyclable packaging (articles 6, 11 and 43)

Providing sufficient time and flexibility for economic operators to conduct the changes

Redesigning flexible packaging requires time and involves important financial and human resources. Hence, sufficient transition time should be granted and economic operators should have clarity well ahead the adoption of the delegated acts. The Regulation should grant at least 5 years to comply with the design for recycling, from the date of adoption of the delegated acts. The same approach should be taken for the recyclability at scale criteria.

Using existing harmonised standards for design for recycling guidelines

For flexible packaging, the design for recycling criteria should be based on already existing harmonised standards such as the ones developed by The Circular Economy for Flexible Packaging (CEFLEX) initiative².

Boosting separate collection and sorting is an essential condition

The obligation for Member States to ensure separate collection of all packaging waste is an instrumental prerequisite for achieving recycling targets and meeting the recyclability requirements, including recycled content targets. This provision should go a step further and mandate collection of all packaging that has been designed following design for recycling criteria. Furthermore landfill and incineration of such packaging should be banned.

Harmonising and clarifying the definition of 'composite packaging'

EU Member States have different definitions for composite packaging material classifications, leading to a fragmented understanding of what composite packaging is across the EU and how packaging is collected and sorted. It should be

clarified that paints, inks and adhesives count as part of the weight of the main material because in the case of paper-based packaging adhesives and inks generally pulp with the rest of the fibres.

2 Minimum recycled content in plastic packaging (articles 7)

Working on the necessary enablers

The targets for contact sensitive packaging are unrealistic and while ESA members are not opposed to the principle of including recycled content in packaging, the right conditions have to be met in order to reach the targets.

These targets can only be achieved with the help of chemical recycling processes, which is at the moment, the only mature technology which, at scale, has the potential to recycle flexible plastic packaging into recycled content, suitable for new food contact applications³. We therefore call for the removal of the current barriers to recycling processes and technologies such as chemical recycling.

Simplifying the recycled content calculation method

The calculation method of recycled content, which foresees a calculation per unit of packaging instead of an average per economic operator also.

The measurement per unit of packaging, instead of an average per operator, poses serious concerns. Industrial, technical, and economic constraints can push companies to integrate more recycled content in some formats rather than in others or in some production lines rather than in others. Also, there is also no evidence that having a target on each packaging unit leads to a better environmental impact compared to having it calculated on an average per operator.

² CEFLEX, a collaborative project of a European consortium of companies and associations representing the entire value chain of flexible packaging to enhance the performance of flexible packaging in the circular economy. <https://guidelines.ceflex.eu/guidelines/>

³ There is a specific requirement for recycling processes used in the production of food contact materials to be reviewed and approved via the European Food Safety Authority (EFSA). At the present time there are no recycling processes that are approved by EFSA for use in flexible plastics food contact.

3 Packaging minimisation (article 9)

Clarify that empty space refers to pack-fill level for certain products

The only way to accurately measure how much product is inserted into sales packaging for food products like savoury snacks is as a pack-fill level at the point of filling because some products settle during transport and appear less filled at the point of sale.

The proposal should clarify that for certain products that settle during transportation or that require headspace to protect the product compliance with Article 9.3(a) shall be assessed as the pack-fill level at the packing stage and should take into account industry guidance where relevant.

4 Restrictions on use of certain packaging formats (article 22 and annex V)

Adopting a proportionate approach

Annex V lists a number of packaging formats to be banned, including "plastic packaging used at retail level to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage end users to purchase more than one product." This would include the outer plastic layer that is used for potato crisps multipacks (a multipack is composed of several single-serve portions sold together).

Beyond the fact that the definition given in the Regulation can lead to different interpretations, the provision should clarify that only the use

of virgin plastic for the purpose of grouping packaging should be restricted. The use of recycled and recyclable packaging for that purpose should not be considered as packaging waste and therefore not restrained as it can find its place in a circular economy model.

Bans should only be justified by objectives related to packaging waste reduction as well as the convenience for final distributors or consumers (e.g. to help them transport and store products at home) should not be overlooked.

Ensuring workable transition periods

Switching to alternatives to single-use plastic grouped packaging requires an appropriate transition period to do customer trials, stability tests, ensuring convenience for retailers, etc. A potential ban is a very impactful measure and the Regulation should allow for a longer transition period for economic operators to adapt. The cut-off date of 2030 proposed for phasing out certain packaging format should be extended to packaging formats listed in point 1 of annex V.

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