

PROPOSAL FOR A REGULATION ON PACKAGING AND PACKAGING WASTE

A.I.S.E. Position Paper

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Executive summary

A.I.S.E., the European association for detergents and cleaning products, welcomes the European Commission's proposal for a Regulation on Packaging and Packaging Waste. Our industry has an ambitious agenda of activities to address the challenges involved and has already undertaken concrete actions to reduce the impact of packaging and packaging waste across the sector. In 2019, companies in our industry committed to a voluntary initiative on plastics packaging, setting out ambitious targets for recycled content and recyclability in the packaging of all household products in the A.I.S.E. portfolio.

We are fully aligned with the objectives of the proposal and support its ambition to safeguard the Single Market for packaging and packaged goods, via its internal market legal basis, as well as a harmonised waste sorting label. Nonetheless, we see certain obstacles that may prevent the achievement of these proposed objectives:

- ***Availability of sufficient quality and quantities of recycled material. This is a substantial obstacle for our industry. To address this issue, we call for an explicit recognition of chemical recycling as well as pre-consumer recycled materials as part of the recycled content targets. In this regard, we are also concerned about the call from some industries to request priority access to some recycled material, which will likely disrupt the market and increase prices.***
- ***Recycled content of sufficient quality and functionality for coated, fibre-based packaging. The proposed recycled content targets for coated, fibre-based packaging would undermine the move towards minimised and recyclable packaging, as well as innovation for non-plastic packaging. We call for a clear list of plastic packaging to be in scope of the recycled content targets, linked to the categories in Annex II of the proposal.***
- ***A restrictive and arbitrary approach to 'an empty space ratio' of 40% for transport and grouped packaging disregards the design requirements that packaging must satisfy to fulfil its main functionalities. We ask for the single metric for empty space to be replaced by a requirement minimising transport and grouped packaging based on the performance criteria listed in Annex IV, part I of the proposal.***
- ***The need to harmonise the timelines for the requirements for recyclable packaging as well as for the intra-MS and intra-economic operator reuse targets for transport packaging, in both cases to be aligned to 2030.***

Please find below a more detailed outline of the obstacles listed above.



Availability of sufficient quality and quantities of recycled material - Article 7: Minimum recycled content in plastic packaging

For the industry to increase the recycled content in its packaging, it is essential that markets are mature enough to ensure sufficient quality and quantities of recycled materials for all players. Due to safety considerations for our industry, high-quality material needs to be used. The leaching of chemicals from recycled materials into our formulations has shown to be problematic and therefore extensive testing is required prior to use. With the current lack of collection, sorting, and recycling capacities in many EU Member States, and considering the limited availability of high-quality secondary material, with non-food grade recyclates often being of poor and inconsistent quality, the proposed targets for non-contact sensitive materials are very ambitious and the legislation needs to provide industry with the means to meet this ambition. A recent [study by the European Investment Bank](#)¹ finds that an estimated investment gap of €6.7 - 8.6 billion must be closed to achieve the proposed plastics recycling targets. Moreover, the obligations apply to manufacturers of consumer goods who have no control over collection, sorting and recycling investments and facilities. To mitigate this, we believe two elements are essential and should be introduced in the proposal: **a clear recognition of chemical recycling as well as of pre-consumer recycled material.**

Where mechanical recycling is reaching its limit, chemical recycling should be seen as a complementary technology to reach the proposed recycled content targets. A.I.S.E. would like to highlight the importance of its explicit inclusion as part of the recycled content targets (with an exemption of the production of fuel from plastic). This is of increased importance given the Commission's decision to postpone the full review of the Waste Framework Directive which was expected to deliver clarity on this. A clear recognition of chemical recycling is necessary in order to allow for planning and investment security.

Moreover, to account for the limited availability of high-quality materials, the proposal should, next to post-consumer plastic waste, **also account for 'pre-consumer plastic waste'**, excluding scrap or regrind. On this point, the current proposal is misaligned with the Agreement on International Carriage of Dangerous Goods by Road, [ADR](#)², which allows for the use of industrial packaging as recycled material for dangerous goods. In addition, the ISO 14021 definition of post-consumer recycled content includes "*material generated (...) by commercial, industrial and institutional facilities in their role as end-users of the product which can no longer be used for its intended purpose.*"

In addition, our industry sees a great challenge in ensuring recycled content of sufficient quality and functionality for coated, fibre-based packaging. Such packaging is a solution ensuring waste reduction and alternatives to plastic but should not come at the cost of recyclability. Thin layers of plastic material, needed to ensure proper barrier properties, are minimised not to compromise recyclability of the packaging. Including PCR in that thin layer poses significant technical challenges as PCR carries impurities which degrade the barrier functions. A thicker layer of plastic would thus be needed (in case PCR content is mandated) to preserve those properties but would go against the objectives of the PPWR (reduction and recyclability).

¹ EIB, Cutting plastics pollution – Financial measures for a more circular value chain, 2023, <https://www.eib.org/en/press/all/2023-084-plastic-pollution-new-study-finds-at-least-6-7-billion-investment-gap-to-meet-europe-plastics-recycling-targets>

² United Nations Economic Commission for Europe, Agreement concerning the International Carriage of Dangerous Goods by Road, 2022, https://unece.org/sites/default/files/2023-01/ADR2023_Vol1e.pdf

Therefore, we call for the recycled content targets to apply only to plastic packaging as defined in Annex II, table 1, categories 10 – 27 of the proposal.

A minimisation approach for empty space - Article 21: Obligation related to excessive packaging

While we consider it as essential that packaging may be designed differently with regards to consumer acceptance and global competitiveness of brands, we are fully supportive of the proposed minimisation objectives. However, a single metric for empty space of 40% for grouped or transport packaging disregards the design requirements that a packaging must satisfy to fulfil its main functionalities, including product protection and safe delivery and seems challenging to achieve for certain products that deviate significantly from an ideal cuboid / rectilinear shape, such as trigger bottles. **We ask for the single metric for empty space to be replaced by a packaging minimisation requirement, including transport and grouped packaging, within the same framework as proposed in Article 9, i.e. based on the performance criteria listed in Annex IV, part I, of the proposal.**

Harmonisation of timelines - Article 6: Recyclable packaging, Article 26: Re-use and refill targets & Article 11: Labelling of packaging

Paragraphs 1 to 3 of Article 6 detail requirements related to the recyclability of packaging. The text specifies that recyclable packaging shall, from 01 January 2030, comply with design for recycling criteria laid down via delegated acts and, from 01 January 2035 also comply with recyclability at scale requirements laid down via delegated acts. **The applicability of the time frames for the other aspects linked to the definition of recyclable packaging (*paragraphs 1 and 2*) is with 12 months after Entry into Force highly challenging** and inconsistent with the aligned objective of the Commission, Council and European Parliament that all packaging be recyclable by 2030. A confounding factor is the high variety in national collection, sorting and recycling capabilities that will not be resolved before 2025. In addition, these requirements create uncertainty of what needs to be demonstrated for recyclability by 2025 if the design for recycling criteria are to be published via delegated acts, of which the timeframe has not been clarified within the proposal. **We call for the provisions on the definition of recyclability, where the timing is currently not specified (*Article 6, paragraphs 1 and 2 (b) – (d)*), to be aligned with the overall objective and be applicable from 01 January 2030 as well as for delegated acts to be published 12 months after the PPWR enters into force.**

The timing of the requirements laid down in *paragraphs 12 and 13 of Article 26* for transport packaging to be 100% reusable between different sites of an economic operator, or between economic operators between the same Member State, adds significant ambition, and is likely unachievable. Of particular concern in respect of Article 26 (13) is the fact that a different standard would apply for intra-member state shipments compared to inter-member state shipments. This could be seen as a barrier to domestic trade versus pan-EU trade especially where it would introduce a 'reverse logistics' burden for empty packaging. **We call for these targets to be aligned with the other targets on reuse and to apply from 01 January 2030.**

A.I.S.E. fully supports the harmonisation of packaging-related labelling requirements to prevent and avoid market fragmentation through the proliferation of national marking obligations. In this context, it is important to explicitly **link the timing of the requirements from Article 11(1) – (2) to the publication of the respective implementing acts (Article 11(5) – (6))** in case of delays



in the publication of the latter. In addition, we ask for the harmonisation of labelling to be advanced in order to displace any national requirements.

Overall, in order to ensure legal certainty and effective business planning to meet several important requirements, any delays incurred during the adoption of secondary legislation should be translated into respective transitional periods for their application. Without such approach, targets will not be achieved, defeating the purpose of the legislation.

An inclusive approach to reuse and refill – Article 3: Definitions of reuse and refill stations

As our industry has actively worked on developing diverse reuse systems, it is of great importance that the **definition and measurement of reuse and refill consider the wide variety of models existing in our industry such as in-store refill, refill at home as well as dilute at home options**. The definitions of reuse and refill in Article 3 currently do not cover at-home reuse systems where a company sells or gives away the final product bottle and sells refills or concentrated products to be diluted at home, reducing the use of packaging. Annex VI sets the scene for open and close loop systems where for re-use, prior collection and conditioning of packaging has taken place. We call for all reuse and refill systems to be recognised. Consumer acceptance and buy-in into reuse and refill models is essential, and the pilots run by our industry have shown that there is no one-size-fits-all solution. We will therefore need a multiplicity of reuse and refill models.

A.I.S.E. remains strongly committed to working together with the EU institutions and stakeholders to achieve packaging circularity.

A.I.S.E. is the International Association for Soaps, Detergents and Maintenance Products. Based in Brussels, A.I.S.E. has been the voice of the industry to EU regulators for more than 70 years. Membership consists of 29 national associations across Europe, 17 corporate members and 14 value chain partners. Through this extensive network, A.I.S.E. represents over 900 companies supplying household and professional cleaning products and services across Europe.

The industry is a substantial contributor to the European economy with an annual market value of €39.8 billion, directly employing 95 000 and 360 000 throughout the value chain. A.I.S.E. has a long history in leading voluntary industry initiatives that focus on sustainable design, manufacturing and consumption, product safety and safe use of products by consumers and professional customers.

