

Proposals for the new Circular Economy Package for the EU Commission

UK Advisory Committee on Packaging – 8 April 2015

The UK Advisory Committee on Packaging

- The Advisory Committee on Packaging is made up of members from a range of industry sectors who have been appointed by the Government to advise on issues relating to packaging and the UK Packaging Regulations.
- This paper has been formulated by a sub-group of the Committee that includes additional members from Trade Associations. The membership of the ACP and the sub-group is shown in Appendix 2.
- The Packaging Waste (Producer Responsibility Obligations) Regulations that transpose the EU Packaging Waste Directive have been in use in the UK since 1997. They have been extremely successful in achieving the EU targets at minimum cost to industry and currently apply targets to obligated producers that go beyond existing EU targets.
- The ACP strongly supports the concept of a Circular Economy and supports the review that the Commission is conducting. Its members and the members of the sub-group have extensive experience of both the existing regulations and a wide range of environmental expertise relating to packaging throughout the supply and disposal chain. It hopes that the points raised below will be taken into consideration in the formulation of the new package.

Points for consideration

1. Whilst the concept of a circular – rather than linear – economy is understood, there needs to be a **clear, realistic and meaningful definition** and **achievable objectives** of a Circular Economy **provided by the Commission** that recognises that Resource Efficiency is an essential element.
2. Packaging recyclability has at times been prioritised at the expense of fitness for purpose. An example is described in Appendix 1 and we ask that the Commission **recognises the vital role that packaging plays in prolonging product life**, in particular food, by ensuring that targets are not proposed that compromise the effectiveness of packaging in its primary role or the design of packaging for resource efficiency.
3. **Targets need to reflect resource efficiency** in design, production and during product and packaging lifetimes. They should also relate to the **value of the recovery of embedded resources at the end of life; both materials and energy**. Pure recycling targets based on recycling for recycling's sake that are not based on scientific assessment of the whole product lifecycle can have unintended consequences and potentially create a net environment dis-benefit. Increased recycling rates will result in greater demands for sorting and washing with associated energy and water / water treatment demands. An impact study is required to assess an eco-efficient level of recycling, after establishing a standard methodology for measuring recycling rates. Only then should a recycling target can be set at EU level after a level playing field has been established between Member States.
4. **Targets are not necessary to stimulate 'prevention' or 'reuse' of packaging** – commercial and sustainability drivers are strong enough and are assessed in relation to the nature of the product. Retailers will only consider the use of more complex – and generally more expensive packaging solutions – that may be more difficult to recycle when the additional costs justify the resource saving, e.g. keeping food fresher for longer.

5. The Commission needs to **lay down resource efficiency objectives** and apply criteria to **harmonise methodology across MS before proposing new targets**. Recovery (recycling and energy recovery) targets should be set at a level that delivers a net gain in resource efficiency of all resources, not just materials, and across the whole lifetime of a product or packaged product. Before changing the current targets, the questions posed by DG ENV Director General Karl Falkenberg need to be answered, “Beyond what level of recycling is it not environmentally and financially interesting to recycle? Should energy recovery be favoured over recycling when dealing with low quality material streams?” This is likely to vary considerably depending on local conditions, for example energy supply, geography, population density, proximity of end markets, etc. These should be considered in the new Impact Assessment to determine net environmental benefit.
6. **The method of calculating recycling rates needs to be harmonised**. This requires standardisation in the point at which recycling is calculated and the methodology for calculating the total amount of packaging placed on the market.
7. **A clear message is required from the Commission on whether the objectives for the new Package prioritise recycling infrastructure and jobs within the EU or whether export outside the EU is supported**. The UK packaging industry believe that one of the key benefits of a Circular Economy should be the development of jobs and infrastructure within the Union. As the graph in Appendix 1 shows, at present, the UK ships nearly half of its packaging waste overseas, most of which moves beyond the EU. This is understood to be reflected across other Member States. Without clear direction and support, this trend will continue.
8. **EPR must not apply unreasonable cost burdens on producers from end user behaviour over which they have no control**. eg total cost of litter management, collection from households. Responsibility for packaging should be shared between all stakeholders, for example manufactures and retailers (ensure packaging is fit for purpose and capable of being recovered after use), consumers (use and make it available for recycling/dispose of it responsibly) and municipalities (for public health and environmental reasons, treat used packaging responsibly).
9. **Common principles for EPR should be mandated by the Commission** but should not be too specific and detailed and application **should be determined by MS**.
10. The **definition of waste** laid down in the WFD **does not reflect the needs of the waste hierarchy and Circular Economy**. In particular, the lack of definition of ‘discard’ in these days of ebay and other post-first user disposal processes leads to constraints on use of end of first life products and process waste that inhibits use as a raw material. **A revised definition is required that reflects waste as a resource and raw material** but maintains proportionate protection of human health and environment.
11. Much of current waste regulation relates to pre-waste hierarchy and often applies disproportionate controls in relation to environmental risk. **Waste regulation should be reviewed** to identify and minimise or remove barriers to use as resource e.g. Environmental Permitting, Trans-frontier Shipment etc.
12. **Clearer more consistent guidelines on the application of end-of-waste** are also required which should be driven by safety, quality and performance requirements.
13. Enforcement standards across the EU are inconsistent, both in terms of definition and application e.g. definition of contamination. The **Commission should monitor and ensure consistency of enforcement across EU** and it should be a requirement on MS to ensure adequate and properly funded enforcement regimes.

14. Controls must safeguard free movement of goods within the EU but the **system should allow MS to intervene to support infrastructure where short term commercial constraints threaten**, provided it does not impose a restriction on free movement.
15. **The Commission should not apply recycled content targets as this creates unintended consequences.** Use of recycled material is already driven by commercial considerations and it is not considered necessary to impose artificial targets. Recycled content should be driven by commercial benefits and Member States should be free to consider internal fiscal incentives if required.
16. We would strongly urge the Commission to ensure that the **Impact Assessment of its Circular Economy proposals must be based on sound scientific principles.** The previous impact study mis-represented the energy production mix in Member States and set recycling levels that did not account for the wide variance in recycling rate reporting methodology across the EU. Neither did the impact study consider what is an eco-efficient level of recycling, e.g. at what level the overall resource benefit outweighs the resource cost.

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Contact details

Chairman – Phil Conran

Email: phil.conran@360environmental.co.uk

Tel: 01509 812052

Mobile: 07710 630512

Appendix 1

Examples of fitness for purpose being compromised by design for recyclability.

- In the UK foods such as fresh olives and ready meals are typically sold in PET containers - which has little barrier to oxygen – so have to be kept under chilled conditions and have a shelf life of a few weeks. A strong driver for this has been the desire to use recyclable containers. In contrast in other European countries they are typically sold in laminate PP/EVOH/PP containers - an excellent oxygen barrier - so they can be stored at ambient temperature and have a typical shelf life of months. Laminate structures can technically be recycled but it is seldom worth spending energy to do so. However the environmental impact of refrigeration will more than outweigh any impact gained by recycling.
- The shelf-life of beef can be extended by five to ten days⁽¹⁾, or even longer, when using the most advanced multi-laminar film to provide modified atmosphere protection. Thus protecting a product that has 17kg/kg of CO₂⁽²⁾ and over 15400⁽³⁾ litres of water/kg embedded within it. The resource gains from using a material with a few grams of embedded CO₂, that cannot be recycled with today's technology, justifies such a packaging solution.

⁽¹⁾ [Plastics Europe – Born to Protect 2012](#)

⁽²⁾ [Lancaster University published in the journal Energy Policy 2012](#)

⁽³⁾ www.waterfootprint.org/?page=files/home 2015

Appendix 2 – Packaging data



Fig 1. UK packaging waste recycling growth showing exports vs UK reprocessing
Source: National Packaging Waste Database

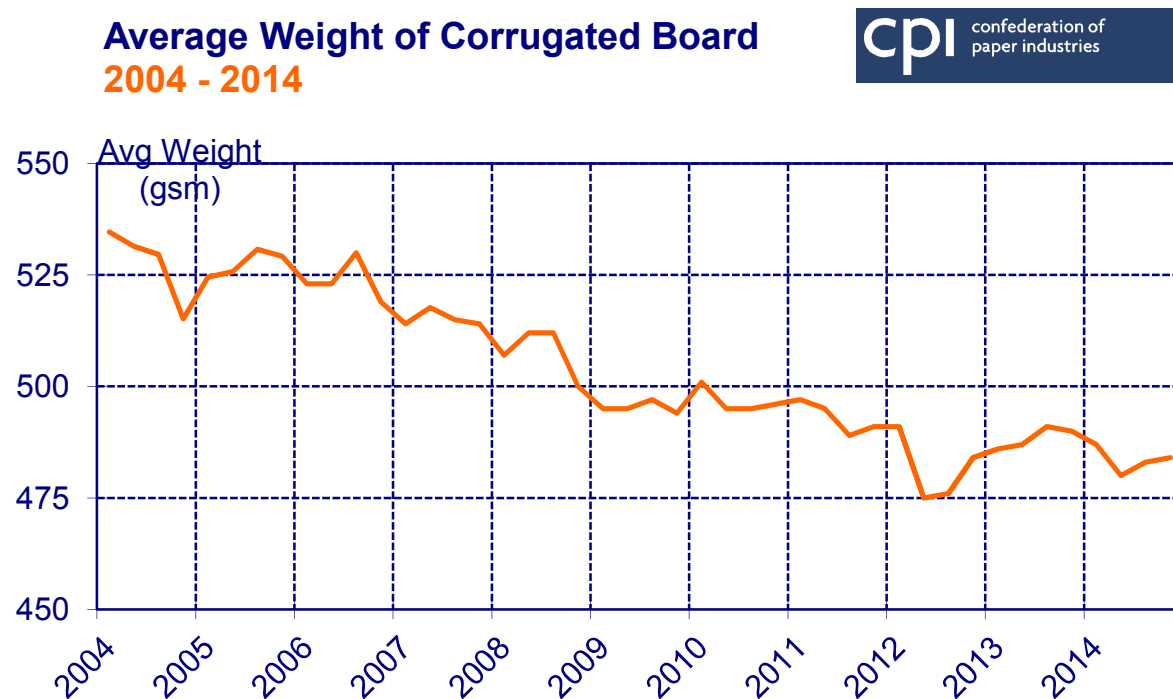


Fig. 2 Impact of lightweighting on average UK corrugated board density
Source: UK Confederation of Paper Industries

Appendix 2

Members of the Advisory Committee on Packaging

Chair

- Phil Conran – Independent Chairman

Members

- Rick Hindley – Alupro – Trade Association
- Rebecca Cocking – British Glass – Trade Association
- Adrian Hawkes – Valpak – Compliance Scheme
- Simon Stringer – NiPak/ScotPak – Compliance Scheme
- Garvin Freeman – Tata – Steel reprocessor
- Johnathan Short – ECO Plastics – Plastics reprocessor
- Andrew Bird – Newcastle-under-Lyme – Local Authority
- Roger Walton – Dover – Local Authority
- Martin Cooper – SITA – Waste Management company
- Andrew Speck – HAVI GS – Packaging Specialist
- Alison Ingle – Nestle - Pack filler representative
- Retailer member – to be advised

Members of the Advisory Committee on Packaging CEP Sub-group

- Phil Conran – Chair
- Rebecca Cocking – British Glass
- Adrian Hawkes – Valpak
- Jane Bickerstaffe – INCPEN
- Dick Searle – Packaging Federation
- Simon Weston – CPI
- Adrian Whyte – Plastics Europe