

To:

Frans Timmermans, Executive Vice-President in charge of the European Green Deal

Thierry Breton, Commissioner for Internal Market

Didier Reynders, Commissioner for Justice

Virginijus Sinkevičius, Commissioner for Environment, Oceans and Fisheries

24 June 2021

Joint industry call for an EU approach to packaging waste labelling

Dear Executive Vice-President Timmermans,

Dear Commissioner Breton,

Dear Commissioner Reynders,

Dear Commissioner Sinkevičius,

The undersigned organisations call on the Commission to take urgent action to ensure a common approach for packaging waste-sorting labelling to preserve the free movement of goods within the EU and underpin sustainability measures.

As representatives of the packaging industry and consumer product manufacturers, we fully endorse the need for improved waste collection and sorting to support the transition towards a circular economy. Providing relevant and consistent information to consumers on how to properly dispose of both the products and their packaging is essential to enhance collection rates and improve the quality of the material collected.

However, in the course of the last year we have been confronted with a concerning trend of divergent national packaging labelling and information requirements. This is not only counter to the work underway at EU level of moving towards greater harmonisation of waste collection and sorting, but it is inevitably resulting in major Single Market disruptions and, in turns, undermining Europe's sustainability goals.

These national labelling and information requirements force companies to create several iterations of their packaging to comply with them or to use stickers to add or cover certain markings. In addition to costs and operational impacts on production lines, these national measures can also have a negative impact on the size of packaging and its recyclability and can further confuse consumers.

These concerns have recently been raised by Members of the European Parliament, who have questioned the European Commission about a harmonised approach to labelling across the EU.

The current review of the Packaging and Packaging Waste Directive (Directive 94/62/EC) represents a great opportunity to set common requirements on which information should be provided to consumers and how this should be done, including the use of digital solutions that can help provide required information without the need to increase packaging size or repackage. In parallel, the work initiated by the Commission to harmonise separate waste collection and sorting, as required by the Waste Framework Directive (Directive 2008/98/EC), will be key to the effectiveness of harmonised labelling requirements.

These developments, however, will take time to see the light and produce concrete outcomes. In the meantime, therefore, concrete and urgent action is needed to halt the proliferation of unilateral and

divergent national measures. The Commission, as the guardian of the Treaty, must ensure full compliance with the free movement of goods' principles and take decisive action to prevent or address disproportionate or unjustified measures on unilateral packaging labelling, which undermine the integrity of the Single Market for packaging and packaged goods and the transition towards more sustainable packaging solutions. This also implies ensuring a timely and constructive cooperation on the part of Member States in resolving any Single Market incompatibilities raised by their national measures, failing which the Commission should make full use of the powers attributed to it by the Treaty to ensure the respect of its decisions.

We would welcome the possibility for a delegation of the undersigned organisations to meet with you and discuss in more detail the concrete impacts that these national measures are having on so many economic and industrial sectors and on European consumers.

Yours sincerely,

The undersigned organisations

Enclosed:

Annex I - Examples of divergent national labelling initiatives which risk undermining the Single Market and hampering the intended sustainability goals

Annex II - Question for written answer to the European Commission - Harmonisation of the Single Market on product labelling standards

CC:

Helena Braun – Cabinet Member Executive Vice-President Timmermans

Pauline Weinzierl – Cabinet Member Commissioner Breton

Bénédicte Van Ormelingen – Cabinet Member Commissioner Reynders

Rozalina Petrova – Cabinet Member Commissioner Sinkevičius

Kurt Vandenberghe - Cabinet Member President Von der Leyen

Anthony Whelan - Cabinet Member President Von der Leyen

Ilze Juhansone - Secretary General

Alvydas Stancikas – Director Single Market Enforcement (GROW.E)

Salvatore D'Acunto – Head of Unit Enforcement II (GROW.E.2)

Nils Behrndt – Director Consumers (JUST.DDG.E)

Daniela Bankier – Head of Unit Consumer Policy (JUST.DDG.E.1)

Kestutis Sadauskas - Director Circular Economy and Green Growth (ENV.B)

Mattia Pellegrini – Head of Unit Waste Management and Secondary Materials (ENV B.3)

Annex I: Examples of divergent national labelling initiatives which risk undermining the Single Market and hampering the intended sustainability goals

- **France¹** - The use of the “Green Dot” logo is penalized. However, this logo is allowed to be used in other Member States and, to date, is even mandatory in Spain. Manufacturers would need to develop national-specific packaging or use stickers to cover the “Green Dot”. This implies costs and risks to hide relevant safety information. These two decrees have been temporarily suspended by the French Council of State until the judge makes a decision on their validity.
- **France²** - There is an obligation to use the “Triman logo” and include sorting instructions. Sorting instructions are not harmonised across the EU. This information could be confusing for consumers in other Member States.
- **Italy³** - There is an obligation to use the alphanumerical codes of Decision 97/129/EC to identify packaging materials and to include sorting instructions. Sorting instructions are not harmonised across the EU. This information could be confusing for consumers in other Member States. The entry into force of these requirements is 1 January 2022.
- **Portugal⁴** – There would be an obligation to use the alphanumerical codes of Decision 97/129/EC and to include sorting instructions, in particular the colour of the recycling bin. It could also result in a ban of the “Tidy man” logo on recyclable packaging. These requirements could require specific packaging for the Portuguese market. In addition, sorting instructions and colour codes of bins are not harmonised across the EU. This information could be confusing for consumers in other Member States.
- **Slovenia⁵** – There is an obligation to use the alphanumerical codes of Decision 97/129/EC to identify packaging materials. The entry into force of these requirements 1 January 2022.

¹ Decree of November 30, 2020 relating to signs and markings that may lead to confusion on the rule for sorting or bringing in waste from the product and Decree of December 25, 2020 amending the decree of November 29, 2016 relating to the approval procedure and laying down specifications for eco-organizations in the household packaging sector.

² Article 17 of the Law 2020-105 regarding a Circular Economy and the Fight against Waste and Draft decree on consumer information symbols indicating the sorting rule for waste resulting from products subject to the principle of extended producer responsibility.

³ Legislative decree n° 116 of 3 September 2020.

⁴ Draft Decree-Law (fifth amendment to Decree-Law No 152-D/2017).

⁵ Decree on Packaging and Packaging Waste.

Annex II - Question for written answer to the European Commission - Harmonisation of the Single Market on product labelling standards

Question for written answer E-001564/2021 to the Commission

Rule 138

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Subject: Harmonisation of product labelling standards in the single market

There are currently no clear and harmonised standards on product labelling in the European Union. This prevents consumers from being correctly informed, and means they do not know whether packaging is recyclable or not.

Trade between Member States is blocked by different national rules, which represent further barriers to the internal market. In addition, we must take into account manufacturers because if each Member State has different regulations on packaging and its recycling, this can lead to high production costs, which have a greater impact on SMEs.

In its own-initiative report on a sustainable single market for businesses and consumers, Parliament has already emphasised the need to develop and introduce mandatory labelling in order for consumers to be clearly informed.

The green transition is one of our priorities, yet unilateral initiatives by Member States would increase the number of packages placed on the market and could jeopardise the uniformity of our single market.

For this reason, how does the Commission intend to establish a single and harmonised labelling system in the EU for the recycling of products for the benefit of consumers and manufacturers?



AEFG - Asociación Española de Fabricantes de Juguetes



AGMPM – Association of the Greek Manufacturers of Packaging and Materials



AGVU – Arbeitsgemeinschaft Verpackung und Umwelt e.V., Germany



AIJN – European Fruit Juice Association



AIM - European Brands Association



A.I.S.E. – The International Association for Soaps, Detergents and Maintenance Products



AMCHAM – American Chamber of Commerce to the EU



Assosport - The Association of Italian Sporting Goods Industry



AYFAD – Spanish Sport Association



ARAM – Association for Packaging and the Environment, Romania



BSI - Bundesverband der Deutschen Sportartikel-Industrie e.V.



CEPE - The European Council of the Paint, Printing Ink and Artists' Colours



CICLOPLAST – Spanish Association of Plastics Transformers and Raw Materials Producers for Promoting Plastics Packaging Recycling



CICPEN – Industrial Coalition on Packaging and the Environment, Czech Republic



CITPA - The International Confederation of Paper and Board Converters in Europe



COSMED – L'Association des PME de la Filière Cosmétique



Cosmetics Europe – The Personal Care Association



DVSI - Deutscher Verband der Spielwarenindustrie



EAFA – The European Aluminium Foil Association



ECBA – The European Branded Clothing Alliance



ECMA – European Carton Makers Association



Edana – The Voice of Nonwovens

EFIC – European Furniture Industries Confederation

EKO-PAK – Packaging Association, Poland

Emballasje foreningen – Norwegian Packaging Association

EPPA – European Paper Packaging Alliance

EPTA – The European Power Tool Association

EuACA – European Artists' Colours Association

EUPB – European Bioplastics

EuPC – European Plastics Converters

EUPIA – European Printing Ink Association

EuroCommerce

EUROMCONTACT – The Voice of the European Contact Lens and lens Care Industry

EOG – European Outdoor Group

EUROPEN – The European Organization for Packaging and the Environment

EXPRA – Extended Producer Responsibility Alliance

FEA – The European Aerosol Federation

FEDAS - The Federation of European Sports Retailers

FEFCO – The European Federation of Corrugated Board Manufacturers

FESI – The Federation of the European Sporting Goods Industry

FGHS – Brancheorganisatie voor Sportleveranciers

FINAT - The association for the European self-adhesive labelling and adjacent narrow-web converting industries



FJP - Fédération française des industries Jouet Puériculture



FoodDrinkEurope – The Organisation of Europe's Food & Drink Industry



FPE – Flexible Packaging Europe



IK – Industrievereinigung Kunststoffverpackungen e.V, Germany



INCPEN – The Industry Council for Packaging & the Environment



INTERGRAF – European Federation for Print and Digital Communication



Miljöpack – Packaging Association, Sweden



Natural Mineral Waters Europe - NMWE

Natural Mineral & Spring Waters



Pakkaus – Packaging Association, Finland



PCEP – Polyolefin Circular Economy Platform



Sociedade Ponto Verde, S.A. – Packaging Recovery Organisation, Portugal



RUCODEM – Romanian Union of Cosmetics and Detergents Manufacturers



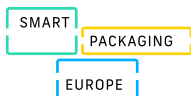
SCS – Styrenics Circular Solution



SEPEN – Association for Packaging and Environmental Protection, Serbia



Serving Europe – Branded Food and Beverage Service Chains Association



SPE – Smart Packaging Europe



SZZV – Slovak Associations for Branded Products



TIE – Toy Industries of Europe



UNESDA – Union of European Soft Drinks Associations



VSSÖ – The Association of Sporting Goods Producers and Sports Equipment Suppliers in Austria



360° Foodservice