



For the kind attention of:

Mr. Alain Maron, Minister of the Government of the Brussels-Capital Region, responsible for Climate Change, Environment, Energy and Participatory Democracy of Belgium

Mr. Mattia Pellegrini, Head of Unit B3 at DG ENV

Ms. Frédérique Ries, ENVI Rapporteur for PPWR

Mr. Nils Torvalds, ITRE Shadow Rapporteur for PPWR

Brussels, 16 January 2024.

Subject: PPWR and Art. 22 banning single use plastic grouped packaging

Dear Mr. Maron,

Dear Mr. Pellegrini,

Dear Ms. Ries and Mr. Torvalds,

The undersigned European associations, (EDA - European Dairy Association, EuPC – European Plastics Converters, IRE - Independent Retail Europe, Natural Mineral Waters Europe – NMWE, Petcore Europe and UNESDA Soft Drinks Europe) gather a large segment of the non-alcoholic beverage industry and its value chain. Together, we represent hundreds of SMEs.

Our sectors fully support the objectives of the EU Green Deal and Circular Economy Action aiming towards packaging sustainability. In the past, we have undertaken many actions to increase packaging circularity and resource efficiency and to reduce packaging waste. We want to continue to play a pioneering role and are ready to step up our efforts. We hope that the Packaging and Packaging Waste Regulation (PPWR) will set ambitious goals without compromising the practicability nor the viability of our operations.

In that context, and ahead of the upcoming trilogue, we would like to express our members' concerns over the Parliament and the Council's proposal to extend the scope of the ban on single use plastic grouped packaging to bottles in Annex V (regarding the application of Article 22). We also would like to highlight the need to provide for a reasonable transition period to switch to alternatives to the single-use plastic grouped packaging in scope and the necessity to introduce an exemption mechanism (based on high levels of recycled content) to recognise the good environmental credentials of some packaging and avoid any detrimental replacement effect with less sustainable alternatives. The latter is already supported by the Parliament's mandate which provides an exemption based on effective collection for recycling of those packaging formats (Article 22.1).

Comments

1. The objective referred to in Point 1 of Annex V does not belong to the PPWR

The objective of Article 22 is to prohibit the use of certain packaging formats in order to reduce packaging and packaging waste. However, point 1 of Annex V, referring to plastic grouped packaging such as plastic films, mentions another objective which is to prevent consumers from being encouraged to purchase in batches and promotional batches. We believe that measures seeking to discourage the consumption of specific legally marketed products go beyond the objectives of packaging and packaging waste prevention assigned to the PPWR, represent an inappropriate market intervention and should therefore not be supported.

2. Single use plastic grouped packaging for bottles is mainly there to facilitate handling by consumers, not 'to encourage them to purchase more than one product'

Bundle packs primarily serve to enhance consumer convenience. These packaging solutions are designed to simplify the handling, transportation, and storage of multiple bottles, without necessarily implying a promotion or cost incentive compared to individual purchases. Particularly in the case of milk and water, there is generally no discount associated with the purchase of a six-pack bundle vs the purchase of six items individually. Indeed, for those products, consumers generally buy six packs bottles to satisfy their daily basic nutrition and hydration needs (e.g. milk is a daily product for breakfast or cooking and water to hydrate throughout the day – EFSA's nutritional guideline for water advises 2 litre per day and 2 portions per day for milk).

At points of sale, consumers generally have the choice between bundled packs and single bottles, with the option to remove the shrink wrap from a pack to buy a single bottle at no additional cost.

Banning plastic shrink films for bottles will present consumers with an additional difficulty in terms of handling and transport to their home: for water, the typical pack would include six 1.5 litre bottles, meaning a nine kgs load to carry. Quite a challenge without sturdy grouped packaging.

3. Single use plastic films are necessary to facilitate handling at all distribution stages

Banning plastic shrink films for bottles in business to consumers trade would imply removing the shrink film in the retail shops which would entail a considerable amount of extra work. Also, it would lead distributors to place a large number of single bottles on their shelves, with resulting hazard to personnel and consumers, and an increased risk of breakage and deformation.

Also, since bottles can sometimes be stored in humid areas, the packaging must be non-sensitive to humidity: plastic film is a very efficient barrier for that purpose. There are currently no alternatives to protect plastic bottles as efficiently as plastic shrink films.

4. From a sustainability perspective, shrink plastic films for grouped packaging are currently the most efficient solution

From an environmental perspective, today we have not encountered better alternatives to plastic films for carrying beverage bottles at scale.^{1 2} In fact, the few alternatives considered so far have not demonstrated, during the industrial test phases, their technical effectiveness in meeting the various specifications, and/or have not demonstrated their added environmental value compared with plastic shrink films.

¹ Denkstatt, "[The impact of plastic packaging on life cycle energy consumption and greenhouse gas emissions in Europe](#)", *Executive Summary*, July 2011, p. 4

² Glimpact, [Webinar](#), October 2021, Section V, « *Performance des différentes options de packaging secondaire*, slide », p. 56

Additionally, plastic shrink film as outer packaging for bottles is already recyclable and incorporates an increasing proportion of recycled content helping them to perform better from an environmental point of view than some alternatives.

Taking into account the eco-design of all packaging (primary, secondary, tertiary), their recyclability³ and their maturity and technical properties, shrink films currently remain the best solution among options available at commercial scale to group bottles and many other packaging items, while keeping control of costs and products affordable to consumers.

5. *The industry will require time to adjust to the new measures*

Reaching a high-level recycled content in shrink film will require increased capacity for collection and recycling while the development of alternative grouped packaging at scale will require a sufficiently long transition period to perform customer trials, stability tests, and to ensure the convenience for retailers and consumers.

Furthermore, sufficient time is necessary to adapt the production lines and machinery and ensure the availability of alternative solutions.

A too short transition period could lead to shortages in the market for the alternative solutions or materials.

Conclusions

Grouping packaging is important to deliver some products to consumers. Plastic shrink films are currently the best option available for bottles at commercial scale, whether from a food safety, environmental or consumer convenience angle. It is also noteworthy that the bundling film complies in every respect with [delegated act \(EU\) 2023/2486](#) on EU Taxonomy for Sustainable Investments. Banning single use plastic grouped packaging for bottles will be severely detrimental to the value chain without necessarily bringing benefits.

The fact that the European Commission did not think it opportune to include bottles in their proposal for Article 22 and Annex V in spite of the many constraints applicable to bottles elsewhere in the proposal is an indication that it took safety, practicability and the absence of viable alternative for bulky bottles into account.

Our asks

In view of the above, we would like to ask you to:

- (a) Keep the wording of Annex V Point 1 in the Commission's PPWR unchanged
- (b) Exempt single use grouped packaging in line with Annex II of [delegated act on EU Taxonomy for Sustainable Investments](#), stating that plastic packaging for goods or food and drinks are considered sustainable if *"until 2028, at least 35 % of the packaging product by weight consists of recycled post-consumer material for non-contact sensitive packaging and at least 10 % for contact sensitive packaging. From 2028, at least 65 % of the packaging product by weight consists of recycled post-consumer material for non-contact sensitive packaging and at least 50 % for contact sensitive packaging"*.
- (c) Amend the wording of Article 22 in order to provide for a longer transition period to increase circularity of packaging formats referred to in Annex V and/or develop at scale alternatives.

³ According to ICIS and Plastic Recyclers Europe's '2023 flexible films market in Europe – State of Play', page 13, 40% of total flexible plastic packaging is currently collected for recycling with 20% of LDPE reused into flexible film.

Please find concrete suggested amendments to reflect asks a, b, and c in the Annex below.

We remain strongly committed to packaging circularity and waste prevention. We look forward to the PPWR to support our sectors towards achieving the EU and our members' shared ambitions while avoiding unnecessary burden for manufacturers, retailers and consumers in our value chain.

We thank you for your consideration and look forward to meeting you to discuss the above in more details.

With kind regards,

Alexander Anton, Secretary general, EDA

Bernard Merckx, Managing Director, EuPc

Else Groen, Director General, IRE

Patricia Fosselard, Secretary General, NMWE

Nicholas Hodac, Director General, Unesda



Annex – Suggested amendments

Option a)

Commission text	European Parliament's mandate and Council general approach	Suggested amendment
<p>Annex V point 1. 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 excludes grouped packaging necessary to facilitate handling in distribution.</p>	<p>Plastic packaging used at the point of sale retail level to group goods sold in bottles, cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage consumers end users to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in business-to-business distribution.</p>	<p>Annex V point 1. To maintain the Commission's proposed text</p>

Options b) and c)

Commission text	European Parliament's mandate	Suggested amendment
<p>Article 22 1. Economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.</p>	<p>Article 22 1. From 1 January 2030, economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V unless: (a) such placing on the market is in line with Article 4(2) of Directive 2008/98/EC; and (b) the economic operators can show effective collection for recycling of these packaging formats, on the basis of the predominant packaging material, at least 85 % by weight by 2028 and every year thereafter.</p>	<p>Article 22 1. From 1 January 2030, economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V unless: (a) such placing on the market is in line with Article 4(2) of Directive 2008/98/EC; and (b) the economic operators can show the following rates of incorporation of recycled content in these packaging formats, on the basis of the predominant packaging material, and in line with the Annex II of the Commission Delegated Regulation (EU) 2023/2486: at least 35% or 10% of recycled content before 2028 and at least 65% or 50% after 2028 in non-food-contact and food-contact applications, respectively.</p>