**FOR INFO**

*[DOCUMENT NATURE]*

*[EXTRANET REF.]*

**Parliament and Council updates on Packaging and Packaging Waste Regulation (PPWR)**

Dear member,

In this note you will find information on the works of the European Parliament and the Council on the proposed Packaging and Packaging Waste Regulation (PPWR).

Updates in this note will be indicated using the red font.

This note does not include information on the activities carried out by FoodDrinkEurope in relation to this proposal. For the updated FoodDrinkEurope tracker of meetings (and feedback received thereof) with EU Parliament and Permanent Representations of EU Member States, please check this document on this extranet: [ENV/CIRCECON/009/23E](https://members.fooddrinkeurope.eu/publishe.nsf/Redirect.xsp?refid=ENV_CIRCECON_009_23E).

For more information, please contact Silvia Lofrese at [s.lofrese@fooddrinkeurope.eu](mailto:s.lofrese@fooddrinkeurope.eu)

Kind regards,

The Secretariat

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An updated timeline of the works on PPWR in the Parliament and the Council can be found in the following pages.

**EUROPEAN PARLIAMENT**

In the European Parliament, there are four Committees involved in the analysis and amendment of the PPWR proposal: ENVI (lead), AGRI, IMCO and ITRE.

ENVI is the Committee ultimately responsible for adopting the draft negotiating position of the Parliament (in the form of a Report), then will then have to be validated by ta vote during a Parliament’s Plenary session.

The AGRI Committee will issue an Opinion on the PPWR proposal, that will send a political message to the leading ENVI Committee. IMCO and ITRE are requesting more important competences on certain articles of the proposed Regulation, but a decision on the matter has not been made yet. In any case, those two Committees will adopt an Opinion that may – or may not – have a heavier weight than the AGRI one, depending on the decision on the competences.

These are the key MEPs across those four Committees:

|  |  |  |  |
| --- | --- | --- | --- |
| ENVI | ITRE | IMCO | AGRI |
| **Ms Ries (Renew)**  Mr Salini (EPP)  Ms Burkhardt (S&D)  Mr Fiocchi (ECR)  Ms O’Sullivan (Greens)  Mr Pimenta Lopes (The Left) | **Ms Toia (S&D)**  Mr Torvalds (Renew)  Ms Niebler (EPP)  Mr Borchia (ID) | **Ms Joron (ID)**  Ms Melchior (Renew)  Ms Schaldemose (S&D)  Mr Vandenkendelaere (EPP)  Mr Fidanza (ECR) | **Mr De Meo (EPP)**  Ms Katainen (Renew)  Mr Variati (S&D)  Mr Holmgren (Greens)  Mr Jurgiel (ECR)  Ms Conte (ID)  Mr Flanagan (The Left) |

On 28 February, the AGRI Committee held a first exchange of views on the proposal. Many MEPs raised concerns on the implications of the proposal on the safety and shelf life of fresh (hence perishable) fruit and vegetables, as well as on the import/export of agri-food products – especially those falling under the EU quality and promotion schemes, such as GIs. Another point raised related to the sale of certain products in bulks (a specific reference was made to olive oil). Doubts arose also on the timing foreseen to implement the new requirements and achieve targets, on the financial implications (also on consumers) and on the environmental benefits of certain solutions proposed by the Commission (notably in relation to reuse).

Draft ENVI Report by MEP Ries available here: <https://www.europarl.europa.eu/doceo/document/ENVI-PR-742297_EN.html>

Draft AGRI Opinion by MEP De Meo available here: <https://www.europarl.europa.eu/doceo/document/AGRI-PA-745499_EN.pdf>

An updated timeline, with key dates for the IMCO Committee, can be found at the end of this document.

24/04/2023

The AGRI Committee held a debate on the Rapporteur’s draft Opinion. Key takings:

* EC proposal not always fit for agri-food sector / a specific impact assessment is needed (De Meo, Ruissen / De Castro, Buda)
* Packaging is key to prevent food waste and ensure food safety (De Meo, Variati, Katainen, Jahr, Ruissen, buda)
* Packaging is needed for traceability (Conte, Variati)
* The proposal should not put at risk food security (Katainen)
* Chemical recycling should be complementary to mechanical recycling (De Meo, Jurgiel, Jahr (*support innovative recycling solutions*)
* avoiding excessive fragmentation of the internal market should not come at the expense of efforts already carried out by some countries to develop a model of recycling (De Meo,
* Member States should have some flexibility to achieve the goals of the Regulation (De Meo, Jurgiel)
* recycling and reuse should be seen as complementary (Katainen)
* Protect organoleptic characteristics of products (De Meo, Conte)
* The EC should assess the risk presented by reusable packaging to water consumption (De Meo, Conte)
* some MEPs support reuse (Variati, Jurgiel (*in favor of undertaking all measures to get rid of single-use packaging in agriculture and the food industry*))
* MEP Katainen: support bio-based solutions
* MEP Variati: support biodegradable and compostable solutions; there is no scientific support on how the proposal could meet food safety standards; mineral water has specific standards governing bottling at source 🡪 doubts on reuse goals
* MEP Jurgiel: recycling targets should be for all drink sectors with no discrimination, but on milk and fruit juices have to be considered on a case-by-case basis (maybe milk packaging should not be reused); MS need more flexibility on EPR; delegated acts do not provide legal certainty
* MEP Hlaváček: doubts on replacing paper cups with plastic cups and on compostability of aluminium capsules

Rapporteur MEP De Meo anticipated that the vote in AGRI might be postponed to mid-September (current date for vote is 30/08).

DG ENVI’s Director responsible for this proposal, Mr Aurel Ciobanu-Dordea, replied as follows:

* this legislative proposal was accompanied by a fully-fledged impact assessment
* there are available technologies addressing all food hygiene and safety concerns
* solutions currently existing in France, Belgium, Romania, Italy, and Spain are compatible with the proposal and which show its full practicality
* For the EC, some aspects of the AGRI Draft Opinion are not acceptable:
  + Amendment 33 proposes a new definition of recycling: recycling is addressed in the Waste Framework Directive, so any modification should refer to this Directive
  + Amendments 59, 60, and 61 try to generalize a number of references to geographical denominations of origin and with designs protected by intellectual property rights, making the proposed provisions even weaker than the currently applicable standards on the market
  + Amendments 67, 73, 71, 70, and 74 would weaken the situation on reuse targets compared to the current situation.

**COUNCIL OF THE EU**

In the Council, the Working Party on Environment is responsible for this file. No other Council formations are officially involved in the works (contrary to the European Parliament) and the coordination with other relevant ministries (i.e. Agriculture, Industry or else) is left in the hands of each Member State to carry out at national level.

On 20 December 2022, only three weeks after the publication of the PPWR, the Council held a preliminary exchange of views on the proposal. Then, the Working Party on Environment started to work on the proposal in mid-January. For two months, under the aegis of the Swedish Presidency, Environment Attaches have carried out a first reading of the PPWR, using this as an opportunity to ask the European Commission to clarify certain aspects of the proposal. Most of the Member States had a scrutiny reservation during this period, meaning that they did not have yet a position on the text.

This is also due to the fact that the proposal had not been translated in many of the EU languages. All the translations have been finally made available at the beginning of March.

We understand that France and Germany are supportive of the proposal, whereas Italy is vocally concerned by the push on reusable packaging as preferred option vis-à-vis recycling. Finland and Czech Republic are reported to have raised concerns during the meetings of the Working Party on Environment.

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On 16 March, the EU Ministers for the Environment held a policy debate on the PPWR proposal. This indicated the political priorities of the Member States, without digging into the technical details of the proposal. Here you can find the positions expressed by Member States on key issues for the food and drink sector:

* Regulation or Directive

In favour of a Directive as a way to give more room for manoeuvre to Member States: Austria, Belgium, Croatia, Czechia, Latvia, Luxembourg, Greece

In favour of a Regulation: Netherlands (but in some areas there should be room for more ambitious policies), Bulgaria, Estonia

* Internal market legal basis (only) or dual legal basis (internal market + environment)

In favour of a dual legal basis as a way to give Member States the possibility to adopt or maintain ambitious national measures: Austria, France, Ireland, Luxembourg

* Reuse

In favour or reuse: Netherlands, Spain, Latvia

Cautious on pushing reuse (“vs” recycling), look at impact: Italy, Slovakia, Croatia, Luxembourg, Greece, Malta

* Targets and deadlines

In favour or higher targets and shorter deadlines: Netherlands, Luxembourg

Believes that they are too ambitious: Czechia (deadlines), Lithuania, Greece

* Chemical recycling

In favour: Slovakia, Finland

* Food safety

Special mention to the need to preserve food safety: Italy, Latvia

* Cost/burden for SMEs

Special mention to the burden that the new rules would create for SMEs: Italy, Poland, Greece, Malta

* Delegated acts

Doubtful on the number of delegated acts: Italy, Belgium, Czechia, Bulgaria, Slovenia

* More
* Italy askes to update the Commission’s Impact Assessment
* Italy: no one-size-fits-all
* Spain: sorted collection should be improved, as well as better recycling techniques
* France: packaging should be standardised
* France: certain types of packaging should be banned where alternatives exist
* Croatia: to properly assess all impacts of the proposal, this file should not be rushed
* Czechia: for effective implementation, at least 2 years are needed for adaptation
* Germany: the proposal could be more ambitious when it comes to recyclability
* Finland: the requirements for recycling at scale should be further specified and assessed in terms of appropriateness
* Lithuania: recycling and reuse targets should not be contradictory; they could be set by the type of packaging and type of use
* Ireland: consistency with other EU legislation is needed
* Ireland: targets should be based on robust analysis and data
* Romania: the calculation methods have to be adopted before the deadlines and economic operators need to have transitional periods
* Latvia: the principle of proportionality should be applied to food packaging; this is vital in preventing the increase in food waste due to less substantial packaging
* Portugal: need to develop the infrastructure for collecting, sorting and recycling
* Portugal: having rates of minimum recycled content in plastic packaging is good to boost the demand for secondary raw materials; however, the amount available does not match the demand
* Luxembourg: it is paramount that these rules would lead to more sustainable solutions
* Greece: the recycled plastic target is impossible to achieve (60% by 2040)
* Bulgaria, Romania: against “per unit” target for recycled content
* Bulgaria: in favour of priority access to recycled materials for food packaging
* Slovenia: concerned that environmental matters would be “subordinated” to issues linked to the internal market

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07/04/2023

We understand that there is a proposal now being discussed in the Working Party on Environment. Member States have to provide written input to the Swedish Presidency by 19 April, so it would be important to reach out to the national governments and the Permanent Representations as soon as possible.

According to our understanding, the Swedish presidency is going in this direction:

Article 6

* introduction in the recitals of a definition of “material recycling” and “high-quality recycling”:
* Material recycling would be any recovery operation, other than biological treatment of waste, that reprocesses waste materials into materials or substances for the original or other purposes; it would not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.
* High quality recycling implies that the recycled materials, based on preserved technical characteristics, are of sufficient quality to be used as a substitute to primary raw materials for packaging applications. This could mean to apply closed-loop to all type of packaging material, even where not technologically feasible.
* Our position: it is not technically possible to only envisage packaging-to-packaging recycling under Art.6. Packaging recycling processes do not always produce secondary raw materials that can be used in packaging applications. This is because of several reasons varying depending on the material. It is possible to strive for packaging-to-packaging recycling, but it cannot become a mandatory requirement for “recyclable” packaging. For example, in the absence of scalable technical solutions, mechanical recycling processes nowadays cannot give food-contact recyclates for the polymers (polyolefins) used in flexible packaging (in other words, nowadays it is not possible to require ‘food packaging-to-food packaging’ applications for flexible packaging.

Article 7

* change the calculation of recycled content targets from “per unit of packaging” to “per manufacturing plant and per year” (we understand the idea is to align with the approach chosen for the Battery Regulation approach. The Council is often referring to the Battery Regulation as an example to look at; however, when it comes to this specific calculation methodology, using the exact same approach of the Battery Regulation would not simplify things but rather increase confusion)
* Our position: We would prefer calculating recycled content “as an average for the plastic packaging portfolio of each economic operator”; this would achieve the use of the same percentage of recycled content overall in packaging applications (as a % of their overall plastic packaging portfolio) while adapting to food contact needs and availability of the material
* to clarify how the SUPD (Single Use Plastics Directive) targets on recycled content for plastic beverage bottles would apply once the PPWR enter into force, the proposal would be to indicate that the SUPD is a lex specialis in relation to this Regulation. In the event of a conflict on recycled content targets between SUPD and this Regulation, SUPD should prevail within the scope of its application, unless specifically provided otherwise in this Regulation.

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