

## Contribution Inception Impact Assessment – Sustainable Products Initiative

Subject: **Reusable Packaging Europe's contribution to Consultation on Inception Impact Assessment of the Sustainable Products Initiative (Eco-design Directive)**

Date: 16 November 2020

With the Sustainable Products Initiative, the European Commission aims to improve the design of not only electronic equipment, but also packaging such as Reusable Packaging Containers (RPCs). Reusable Packaging Europe (RPE) fully supports the European Commission in its ambition and calls on the Commission to respect the waste hierarchy in its activities, thus promoting reusable (transport) packaging.

Please find below more information on RPE's position with regards to this topic, in its reaction to the inception impact assessment of the European Commission. This information is also publicly available on the [European Commission's 'Have your say' page](#).

Furthermore, RPE is proud to call – together with the Closed Pallet Pooling Coalition (CPPC) - for more circularity in the packaging sector, particularly for Product-as-a-Service models such as those operated by both organizations' members. More information on the joint position can be found via the same [link](#).



### **1. Respect the waste hierarchy, also in extending the scope of the Eco-design Directive**

**An objective and consistent method of measuring environmental impact is needed** to ensure the correct application of the new Sustainable Products Initiative and maximize its effectiveness. In line with the European Green Deal, the European continent aims to become fully circular by 2050. If the new Sustainable Products Initiative is to **broaden its scope to packaging**, it should do so **in line with the waste hierarchy**, thus **promoting the reusability of packaging** (such as Reusable Packaging Containers (RPCs) operated by RPE's members) while also improving the recyclability thereof, and as a consequence further stimulating circular business models.



## 2. Exempt RPCs for the transport of (fresh) food products from targets for recyclable content

RPE embraces first and foremost “reuse” as a (sustainable) concept. Reuse is the essence of the circular RPC business model of the members of RPE (being a “Packaging-as-a-Service” business model). At the end of their lifecycle (after many years of reuse), these RPCs are either (i) recycled for reuse in new RPCs, being suitable for the transport of (fresh) food products or, to a larger extent (ii) recycled for reuse in other (non-food) applications (such as garden furniture): A **clear distinction needs to be made between** on the one hand plastic that can be **recycled for reuse for “food applications”** and plastic that can be recycled for reuse in **non-food applications**.

Re (i) Recycling for reuse in new RPCs, which are intended to be used for the transport of (fresh) food products, requires pure and certified food safe regrind plastic of single origin.

Re (ii) Recycling for reuse in other (non-food) applications does not require such pure and certified food safe regrind plastic of single origin.

RPE agrees with the Commission’s position that the recycled content in packaging should overall be increased. However, **when introducing targets, the characteristics of each type of packaging should be considered and the waste hierarchy should be respected**. Single use packaging should strive for a very high percentage of recycled content, while reusable packaging such as Reusable Packaging Containers (RPCs) should not be subject to (and therefore exempted from) targets given (a) its typical “reuse character” and the RPCs’ inherent strength in reducing packaging as a concept and (b) the mere unavailability of sufficient single origin, pure and certified food safe regrind plastic.

An **introduction of (stringent) recycling targets in reusable packaging** (more in particular RPCs being used for the transport of (fresh) food products) **will be detrimental to the reusable supply chain (transport) packaging sector** for (fresh) food products and thus **counterproductive to the goal of a fully circular economy**. The reason is that if such targets would be applied to RPCs used in (fresh) food supply chains, that would disincentivize manufacturers from producing such RPCs and thus poolers (in the (fresh) food supply chain) from building up their reusable and sustainable RPC pools. Currently and in the foreseeable future **there is no mentionable (supply) market for single origin, pure and certified food safe regrind plastic which is required to build RPCs from recycled content** (for (re)use in the (fresh) food supply chain).

The RPC pooling sector would thus be dependent on the number of damaged RPCs which is simply not feasible given their durable nature in a rapidly growing market: many millions of durable RPCs are currently used in the (fresh) food supply chain across Europe. These RPCs will, depending on their individual age, continue to be used for many years. Moreover, RPCs which are reused and circulated for many years in the (fresh) food supply chains, will – depending on the type and size – require an important share of virgin (non-recycled) resin material to warrant durability and material flexibility.

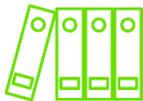
As a result, **any specific RPCs being used for the transport of (fresh) food products should be exempted from any recycling target for application in new RPC's** for the transport of (fresh) food products. Imposing recycling targets with respect to such RPC's (having arrived (after many years of service) at the end of their lifetime) into other applications are however welcomed by the members of RPE: In principle all such "end of life" RPCs can (and are being) recycled.



### 3. Introduce common standards for life cycle analysis and extended producer responsibility

**Creating a harmonized standard for packaging Life Cycle Analysis (LCA) will be effective**, as it is the most unbiased way of determining the impact of packaging products. Such a LCA should definitely consider the waste hierarchy and added value of reusable packaging over recycled packaging.

In order to incentivize packaging producers and handlers, **a broad and proper introduction and implementation of the principle of Extended Producer Responsibility (EPR) is crucial**. RPE thus believes that the EPR principle should be mainstreamed, primarily for manufacturing and use of one-way packaging. Reusable packaging such as RPCs should not be subject to EPR fees given their inherent strength in reducing packaging as a concept. Should they be made subject, RPE argues for a one-time fee to be paid for the full life cycle of reusable packaging.



### 4. Minimize administrative burden on both producers and users

As per amongst others article 15, §5f of the Ecodesign Directive, **no excessive administrative burden should be placed on manufacturers**. To ensure that circular business do not encounter any negative effects and/or have to carry additional burdens due to their business model, a notion should be added to 15(f) that 'no excessive administrative burden should be placed on manufacturers, pooling organizations and users'.

Furthermore, **any burdensome administrative (and fiscal) hurdles (relating to for example VAT) on manufacturers, RPC pooling organizations and users of RPCs hampering the free (cross border) flow of goods, including (fresh) food products (and therefore hampering the realization of a EU wide circular economy) should be reduced/abolished** to allow for a smooth free movement of RPCs across the EU, also within the (fresh) food supply chain.