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# RPE position on the revision of the Waste Framework Directive

Position  
paper

# RPE's recommendations for the revision of the Waste Framework Directive

Reusable Packaging Europe (RPE) fully supports the European Commission in its ambition and calls on the Commission to respect the waste hierarchy in its legislative activities, thus promoting reusable (transport) packaging. RPE is convinced that reusable transport packaging, in line with the waste hierarchy, plays a crucial role in preventing (food and packaging) waste and therefore welcomes the initiative to introduce overall and product specific waste prevention measures, as well as expanding the role of EPR schemes.

## Who we are

[Reusable Packaging Europe](#) (RPE) is the European association which represents the interests of **companies active in the area of reusable, including pooled, transport packaging systems**, primarily in the pooling of Reusable Packaging Containers (RPCs) and Reusable Wooden Pallets (RWPs). Inspired by the EU Green Deal, it is RPE's mission to promote the **pooling of reusable transport packaging (RTP) as a circular service** and as the most efficient and sustainable solution for the transport of products in the European Union.

The transport packaging pooling business has been operating for several years with the ambition to **reduce the environmental impact including waste generation** of supply chains by reducing the use of natural resources (virgin material) needed to transport goods within the EU, and by maximizing the reuse of transport packaging within these pooling systems.

**Please find below more information on RPE's position on the revision of WFD, in addition to its contribution to the public consultation of the European Commission.**

## RPE policy recommendations:

### 1. Remove legal barriers to waste prevention by updating definition of “preparing for reuse”

The current definitions for “waste” and “preparing for reuse” as stipulated in the Waste Framework Directive (WFD) do not reflect the practical realities of circular pooling businesses. According to the article 3.16 of the current WFD, Reusable Transport Packaging (RTP) must become waste before it can be “prepared for reuse”.

In article 3, the WFD defines:

- Waste: “any substance or object which the holder discards or intends or is required to discard.”<sup>1</sup>
- Reuse: “any operation by which products or components that are not waste are used again for the same purpose for which they were conceived.”<sup>2</sup>
- Preparing for reuse: “checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing.”<sup>3</sup>

RPCs and RWPs are designed for reuse: they are based on the principle of prevention and are conceived for reuse, rather than recycling<sup>4</sup>. They are unique examples of the circular economy in action. **In Packaging-as-a-Service models, where RPCs and RWPs are used, packaging (service) providers (in their position of “legal owner” of the RPCs and RWPs) take responsibility for the packaging's performance, rotation after rotation, until the very end of its life cycle.**

RTP does not necessarily need to be checked, cleaned or repaired after every rotation, especially when it is used to transport already packaged items and when it does not come into direct contact with food. In those cases, RTP is reused for the same purpose for which they were conceived without any checking, cleaning or repairing recovery operations (as is currently described in the definition of “preparing for reuse”). Therefore, RTP is “reused” in the sense of the current definition of “reuse” in the WFD (i.e. “any operation by which products or components **that are not waste** are used again for the same purpose for which they were conceived”).

The **current definition** of “preparing for reuse” only considers the preparation for reuse of “products or components of **products that have become waste**”, while **there are other items (such as RTP) which are “prepared for reuse” without being categorized as “waste”**.

Therefore, **RPE proposes to update the current definition of “preparing for reuse”**, considering that in its current form it only covers substances or objects which are qualified as

<sup>1</sup> Article 3 (1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008)

<sup>2</sup> Article 3 (13) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008)

<sup>3</sup> Article 3 (16) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008)

<sup>4</sup> Notwithstanding their intended purpose for reuse, after many cycles of reuse, RPCs and RWPs are recycled at their end of life.

waste. It ignores products such as RTP which are reused for the same purpose for which they were conceived and which cannot be categorized as waste, because the objects were not discarded, nor did they become waste. They are either reused or prepared for reuse instead. Therefore, RPE calls on the European Commission to update the current definition for “preparing for reuse” to better reflect practical realities of circular reuse systems as follows:

<i>Current definition</i>	<i>Proposed amendment</i>
<i>‘Preparing for re-use’ means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;</i>	<i>“Preparing for re-use”: checking, cleaning or repairing operations, by which products or components of products, <b>whether or not they have become waste</b>, are prepared so that they can be re-used without any other preprocessing.”</i>

## 2. Ensure an appropriate role for **Extended Producer Responsibility (EPR)**

In order to incentivize the implementation of the waste hierarchy, a correct introduction and implementation of the EPR principle is crucial. RPE believes that the EPR principle should be mainstreamed, primarily for manufacturing (and use) of one-way (transport) packaging, but not for RTP which, given its inherent strength and specific design for reuse, reduces (the use of one-way) packaging in general.

On the contrary, **reusable transport packaging should not be subject to EPR fees**. As mentioned earlier, in Packaging-as-a-Service (PaaS) models, where RPCs and RWP are used, packaging (service) providers take responsibility for the packaging's performance throughout its life cycle and individually manage the packaging's end-of-life. RPE members have already established amongst themselves individual asset management schemes based on contractual arrangements along the value chain, ensuring that 100% of RTP in our members' possession is being recycled at the end of life (RPCs) or used as energy feedstock (RWPs). Supporting data can be provided by RPE members as proof of such asset management.

RPE therefore calls upon the European Commission to **exempt reusable transport packaging** from an EPR contribution as waste management processes for RTP are managed via **effective individual waste management schemes** ensuring that RPCs and RWPs are, in fact, never waste but rather repurposed at their end of life either.

## 3. **Recognize Packaging-as-a-Service** models' contribution in packaging and food waste reduction and prevention

**PaaS models** working in closed loops, such as RTP (as well as other reuse systems), save resources and reduce both packaging and food waste<sup>5</sup>, compared to single use-alternatives<sup>6</sup>. However, reuse systems cannot optimally function and contribute to the circular economy and

<sup>5</sup> Fraunhofer Institute (2013) [Save the food study](#), initiated by Stiftung Initiative Mehrweg (Foundation for Reusable Systems)

<sup>6</sup> ZeroWasteEurope (2020) [Reusable vs single-use packaging a review of environmental impact](#)

(food) waste prevention without the **legal protection of ownership of reusable and circular assets** throughout their whole life cycle.

Lack of recognition for PaaS models and ownership leads to RPCs and RWPs leaving the pool which halts owners' ability to use the packaging for its main (and intended) purpose as well as repurpose it at the end of life towards recycling or use as feedstock, and thus limits owners' ability to prevent waste generation. In order to reduce barriers to waste prevention, PaaS and other models where producers keep the ownership of the product or the responsibility for its performance throughout its lifecycle need to be recognized and promoted.

**It is essential to legally recognize, in waste management or packaging legislation, the existence and benefits of circular products management systems**, such as reusable packaging pooling systems, and to protect the ownership of the circular products in these systems.

#### 4. Introduce **binding reuse targets** to ensure sufficient regulatory and/or market incentives for businesses to invest in waste prevention and reuse activities

RPE believes it is crucial that the EU waste framework legislation is modernized by increasingly promoting reuse, to effectively apply the waste hierarchy and improve waste reduction. Binding reuse targets will force all industries to (re)consider their packaging solutions in line with the EU's waste prevention and circular economy ambitions. RPE believes that binding reuse targets are the only way to ensure

- (i) significant decrease in packaging, food waste and waste in general; and
- (ii) the successful transition towards a circular economy.

Under the current formulation of targets, the waste hierarchy is not sufficiently promoted as Member States can reach their target by mostly focusing on merely recycling, without ambitiously pursuing more sustainable reuse strategies (being ranked higher in the waste hierarchy than recycling). Considering industries' unique characteristics, **these reuse targets should be sector specific and translated into concrete incentives.**

Importantly, such targets should **distinguish between primary, secondary and tertiary packaging** as these different types of packaging have already reached different levels of reuse.<sup>7</sup> Primary packaging is principally used in B2C context and, in comparison with tertiary packaging, which is principally used in B2B environments, only reaches a lower level of reuse.

**RPE calls on the European Commission to introduce binding reuse targets, next to recycling targets** per packaging types in the appropriate waste management or packaging legislation.

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<sup>7</sup> University of Utrecht (2020) [Sustainability of reusable packaging-Current situation and trends](#).



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