EEB Comments on

Draft Study on the Implementation of the Packaging Directive and options to strengthen prevention and re-use

11/06/2004

Introduction

The scope of the "study on the implementation of the Packaging Directive and options to strengthen prevention and reuse" is determined by article 6 of the amended Packaging Directive.

Article 6
8. The Commission shall, as soon as possible and no later than 30 June 2005, present a report to the European Parliament and the Council on the progress of the implementation of this Directive and its impact on the environment, as well as on the functioning of the internal market. The report shall take into account individual circumstances in each member State. It shall cover the following:

a) *an evaluation of the effectiveness, implementation and enforcement of the essential requirements*
b) *additional prevention measures to reduce the environmental impact of packaging as far as possible without compromising its essential functions*
c) *the possible development of a packaging environment indicator to render packaging waste prevention simpler and more effective*
d) *packaging waste prevention plans*
e) *encouragement of re-use and, in particular, comparison of the costs and benefits of re-use and those of recycling*
f) *producer responsibility including its financial aspects*
g) *efforts to reduce further and, if appropriate, ultimately phase out heavy metals and other hazardous substances in packaging by 2010.*

The EEB is of the opinion, that the above listed points should be evaluated in the light of the overall environmental policy goals as formulated in the decision No. 1600/2002/EC of the European Parliament and of the Council laying down the Sixth Community Environment Action Programme. In Article 8.1 the objectives of the Programmes are specified, in particular "achieving a significant overall in the volumes of waste generated through waste prevention initiatives, better resource efficiency and a shift towards more sustainable production and consumption pattern" and the encouragement of re-use. The recent EEA report Signals 2004 stressed that "the generation of packaging waste is closely coupled to economic growth and consumption pattern. From 1997 t0 2001 the amount of packaging waste

increased in 10 of 15 older Member States and by 7 % in the then European Union as a whole. Preliminary projections suggest that volumes of packaging waste are likely to continue rising substantially in the future."

General Comments

The draft study intends to widen **the scope** by evaluating the economic and social impacts of the Packaging Directive in addition to the environmental impacts. EEB strongly criticises this approach. EEB is of the opinion that any impact assessment of the Packaging Directive should be related to its objectives, environmental protection and avoidance of obstacles to the internal market and primarily environmental protection. The later aspect will be covered by a study on behalf of DG Enterprise. In addition, the Topic Center on Waste and Material Flows (TCWMF) is currently carrying out an effectiveness evaluation (cost-benefit analyses) on packaging waste management systems for five member states (Austria, Denmark, Ireland, Italy and the United Kingdom).

In consequence, the economic aspects of the of the Packaging Directive will be covered by the mentioned two studies. In the view of EEB any further addressing of economic issues, beyond the specific attempt to collate information from existing studies on the costs and benefits of re-use and recycling, is not required and would only lead to an unbalanced analyse of the Packaging Directive in favour of economic issues. Therefore the EEB suggest to remove point 1.3. of the study (impacts of the Directive evaluated from economic perspective) and invest these resources in the other aspects of the study.

The EEB notes that the chapter on **re-use** is by far the weakest. It welcomes the decision made at the workshop on May 26 2004 to have a separate meeting on re-use aspects only. EEB stressed that beside re-use of beverages the re-use of transport packaging and its environmental benefits need to be explored in more detail.

Re-use systems have a high potential to prevent packaging waste and reduce CO_2 emission thereby adding to climate protection. For example, a reduction of established reuse beverage systems by 20% would lead to an increase of around 1.2 tons of packaging waste[1]. This example clearly illustrates the potential of reuse for saving resources. The environmental benefits of re-use systems are also proved by life cycle assessments which cover various environmental indicators. Recent studies on beverage systems assessing several relevant impact categories such as global warming, resource use and others demonstrate the environmental advantage of reuse systems[2].

The EEB recommends that the study actively investigate the encouragement of re-use systems and prevention systems within Member States and

- identifies and lists suitable instruments to encourage re-use systems and other additional prevention measures (e.g. taxes, re-use targets, deposit schemes, distribution system changes):
- evaluates existing EU-legislation and identifiers regulations hindering measures with regard to re-use.

[1] See: Mitteilung der Regierung der Bundesrepublik Deutschland an die Kommission der Europäischen Gemeinschaften, 29.04.1996, data festimated by the German Environmental Agency

[2] Ökobilanz für Getränkeverpackungen II, Umweltbundesamt , 2000

The EEB would like to stress that the study's mandate as defined in Article 6.8 of the Packaging Directive is also to **investigate 'additional prevention measures'**. Here it is important to differentiate between prevention of packaging / generation of packaging waste and prevention of the impacts of packaging waste management options (recycling/disposal). Such measures should be evaluated by the study (see comments below).

Specific comments

The following comments are made following the structure of the draft study.

Task 1: Evaluation of the Implementation of the Packaging Directive

Ad 1.2 Impacts of the Directive evaluated from environmental perspective

The study envisages to evaluate the environmental impacts via a life cycle assessment carried out by PIRA based on three scenarios.
Scenario 1:Zero Recycling (changed to zero recovery)
Scenario 2: Baseline Scenario (scenario without Packaging Directive in place)
Scenario 3: Packaging Directive

1.2.1 Data

The data referred to regarding landfill and incineration for all scenarios are based on a study published in 1995. The EEB recommends to carry out a **literature research**, since a second edition on the referred study is available and other recent data on the waste treatment situation within EU-15 might be available. It is pointed out that even recent information on the waste treatment can only give a rough picture, in particular if the data is aggregated to the whole of Europe. No distinction is made between waste incineration in waste incinerators and co-incineration of waste. Furthermore, no information on the quality of waste treatment options (e.g. emission standards, energy efficiency) is given. The key assumptions relating to the models are very basic and need to be refined e g. by data provided by the packaging industry.

The impacts to be reported are of a crucial meaning. **The prioritising of factors chosen** (e.g. energy and acidification) determines the outcome of the results and has a political dimension. The factor as such does not imply the quality of the environmental benefit e.g. energy input as such does not give information on the way and efficiency the energy is used. From an environmental point of view the quality of use is very important. Double-counting has to be avoided e.g. energy input and abiotic depletion (oil equivalent) overlap to a certain degree. Furthermore it is unclear how environmental benefits related to reuse are beverages but also transport packaging. The EEB raises the question, if the saving of resource is only linked to energy gain?

In addition, the methods by which the impacts are evaluated, influence the outcome. This is of interest for the parameter ecotoxicity. The impacts of nutrification can be distinguished in terrestrial and aquatic impacts. From an environmental point this distinction allows a more detailed analysis regarding the media air and soil. The EEB therefore suggests to apply this approach. Regarding the toxicity of particulates and aerosols the question on how the secondary particulates are evaluated should be addressed.

The EEB is aware of the complexity of the set task. Nevertheless, major difficulties are seen in the aggregation of information on individual Member States to data on the EU-15 level. Furthermore, the questions which impact categories to choose, the methods to evaluate them and the prioritising of the impact categories needs to be addressed in detail. Overall, the EEB

questions the suitability of the LCA approach to carry out a complex task as evaluating the environmental impacts of the Packaging Directive at the EU level. LCAs are considered as a tool best suited to assessing the environmental performance of clearly defined and comparable packaging systems. It is suggested to consider alternatives to evaluate the environmental impact of the Packaging Directive, such as more desegregated and descriptive approaches in order to gain a more transparent understanding of the data quality and assumptions made.

Ad 1.3. Impacts of the Directive evaluated from economic perspective

As pointed out above, this issue (internal market) is been dealt with by a different study. Therefore, the EEB is concerned that by focusing further on economic aspects the environmental dimension is weakened.

In a recent input on impact assessments to the Council of Minister the EEB highlighted that practice shows that in Impact Assessment impacts are most often described in terms of short–term quantified economic effects.
In conclusion there is an urgent need to i**mprove the methodology,** to develop an assessment model that gives equal attention to less tangible impacts such as health and environmental benefits.
The EEB is of the opinion that any overview on the economic activity of the packaging chain should also account for the way the economy impacts the environment. The study does not take into consideration how environmental damage can be adequately valued for the calculation of economic welfare.

1.3.5.4 Impacts on the potential for innovation and technological development

It is stated that that the technological impact - in the sense of innovation – is at best- limited. The EEB questions this statement. For example, the sorting technologies and recycling technologies for new materials (PET) improved over the last couple of years so that the mainly hand-sorting technology nearly vanished towards a more efficient and automatic facilities.

Furthermore, the consideration of innovation should take a wider perspective – including innovation in packaging design, but also, and more importantly, innovation in system design both physical (e.g. transport and supply logistic networks - for e.g. reducing transport distances and complexity, supplying in bulk instead of ‘single dose’ packaging) and fiscal (e.g. taxation of packaging or packaging materials). It

Ad 1.4 Impacts of the Directive screened from social perspective

There is not enough information on the available data nor the methods to evaluate this issue available, to be able to comment on this point, however the same arguments as for economic evaluation apply, the study should focus on the environmental aspects

Ad 1.5 Compare the packaging and packaging waste Directive with two scenarios

The study intends to aggregate the evaluated impacts (economic, social, environmental) for the chosen scenarios in a way one can judge the options. Suggested are:

- Cost-benefit analysis
- Cost-effectiveness analysis

- Multi-criteria analysis

EEB fears that three complicated parameters (economic, social, environmental) will be condensed to a simplistic graph or figure that might lead to misinterpretation. A proper interpretation of such aggregated data is not easily possible. The EEB believes that a descriptive approach is more suitable to reflect the actual status quo.

Task 2: Packaging Prevention

Missing chapter (s)

The EEB suggests to include an additional chapter addressing 'additional prevention measures' (see General Comments), this should be subdivided into consideration of prevention of packaging waste generation and prevention of packaging waste management impacts (reduction of disposal).

The former can take a variety of forms including a clear prevention definition, strong data and monitoring guidelines, active support mechanisms for re-use (e.g. labelling and harmonisation of sizes) system changes (local supply chains versus long distance) and taxes as well as fiscal incentives.

The latter can take the form of recycling standards and taxes. In particular the options to set up material and recycling standards should be evaluated in order to improve the environmental performance of packaging recycling.

Furthermore, the study should investigate the necessity for obligations on and guidelines for data monitoring schemes of packaging prevention and prevention of packaging waste impacts in particular data such as

- total consumption of packaging
- total consumption per material
- packaging licensed for re-use/recycling scheme
- total percentage of re-use
- re-use of transport packaging
- re-use of beverages
- total percentage of recycling (distinction of material and feedstock recycling)
- recycling rate per material

percentage of secondary material used in packaging

Ad 2.1 Indicators for the environmental performance of packaging (PEI)

The key question in order to judge the usefulness of PEI is: What is PEI used for? Since this questions is so far not addressed, the EEB finds it hard to comment on the issue. It is therefore suggested to explore different possible applications such as:

- PEI as an information tool for the consumer e.g. to communicate benefits of re-use and recycling;
- PEI as a technical guideline for the packaging industry,
- PEI as a legislative measure/instrument.

In general EEB is of the opinion that only proper LCAs (at an appropriate level, with defined boundaries, based on transparent reliable data) can provide reliable information on all

environmental impacts of packaging. Any LCA "light" version will tend to result in hugely simplified conclusions, approximating total environmental impacts by very reduced environmental criteria.

Ad 2.2 Packaging prevention plans

In general, the EEB is of the opinion that packaging prevention plans have the potential to require concrete packaging prevention action different levels (sectoral/national) and consequently can achieve environmental objectives, especially through use of targets. The success of the measures depend on the quality of the prevention plans (who sets the targets?), their obligatory nature (in case of sectoral plans – links to licensing etc) and their practical implementation (monitoring of set targets, verifiability, enforcement efforts, learning and improvement cycles, availability of progress reports). The assessment of packaging prevention plans should investigate these aspects in more detail

Nevertheless, success regarding the prevention of packaging waste and the prevention of environmental impacts is not limited to Member States that set up prevention plans. It is suggested that the study also evaluates prevention aspects within countries without a prevention plan (see: General Comments and Task 2: missing chapter on additional prevention measures).

Ad 2.3 Essential requirements

Crucial to implementation to the comprehensive essential requirements in annex II of the packaging directive is the choice of CEN standardisation to implement them.
The EEB would therefore like to suggest that evaluation of the implementation of the current essential requirements as regards the use of CEN standardisation, the EEB position papers (will be forwarded to the consultant) are considered.
In brief, , the revised standards on packaging continue to be questioned by the EEB firstly on the ground of inefficient mandate revision secondly on the basis of technical content see ECOS comments in annex) and thirdly because of procedural mistakes - for example the rejection of the comments submitted by ECOS during the CEN UAP procedure (acceptance procedure) by a consultant of the Commission are considered as a procedural mistake.

Ad. 2.4 Heavy metals and other hazardous substances

The EEB suggests to focus the investigation on hazardous substances not only on the option to reduce existing levels of heavy metals but also to look into the question if substances like antimony and chlorine in particular where there might be of a potential problem with regard to packaging recycling and high quality use of the secondary materials (i.e. avoiding down cycling)

Ad. 2.5 Producer responsibility

The purpose of the chapter needs to be clarified.
Producer responsibilities should be analysed for measures that

- create financial responsibility – and how these actively and specially encourage packaging prevention and reduction of impacts (both in unit design and system design- concerning system design it would be useful to look at the packaging USERS – the retailers and product manufacturers and how they are made responsible to prevent packaging and packaging impacts),
- create political responsibility – for example obligatory packaging prevention plans with targets.

covering aspects of producer responsibility in the sense of producer prevention plan .

Ad 2.5.5 Prevention targets and landfill bans

Concerning prevention targets the EEB would like to stress that these targets should be defined as the reduction in total generation of packaging waste (reuse included, recycling not). Other targets should be seen as targets for the reduction of disposal and prevention of impacts..

Concerning landfilling, the EEB also supports a dedicated waste recycling legislative framework, that sets up the various tools need to implement and accompany the objectives set for waste recycling, namely:

- bans for certain easy to recycle waste streams going to landfill and incineration
- set recycling quota for certain waste product stream,
- inclusion of technical standards for recycling in waste stream legislation

Therefore, the EEB supports a ban for the disposal of packaging waste as a measure to ensure reduced impacts of packaging and ensure that steps are taken to require fully recyclable or re-usable packaging. However, it is important to evaluate the 'surrounding' conditions to such bans as they are crucial in the assessment of such actions. Also crucial is evaluation the defacto implementation of the packaging directive in some member states. For example, the current practise of incinerating paper (including packaging paper) in Denmark is contradicting efforts to increase the environmental benefits gained by the material recycling of paper.

Ad. 3 Packaging re-use

See remarks in General Comments. The EEB will comment in more detail on the re-use topic after the additional dedicated re-use workshop has taken place.

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Annex 1

EUROPEAN ENVIRONMENTAL CITIZENS ORGANISATION FOR STANDARDISATION
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ECOS comments on revised draft standards on

Packaging

Comments on draft standards :

- prEN 13428 – Packaging – Requirements specific to the manufacturing and composition – Prevention by source reduction
- prEN 13429 – Packaging - Reuse
- prEN 13430 – Packaging - Requirements for packaging recoverable by material recycling
- prEN 13431 – Packaging – Requirements for packaging recoverable in the form of energy recovery, including specification of minimum inferior calorific value.

submitted to a Unique Acceptance Procedure (UAP) in CEN from 2004-09-25 until 2004-03-25.

These drafts are revisions of EN 13428 to EN 13431 published in 2000. These standards had been mandated to CEN by a mandate (M/200). This mandate called for the establishment of European Standards that could give packaging a presumption of conformity to the essential requirements of European Parliament and Council directive 94/62/EC of 20 December 1994 on packaging and packaging waste. As CEN delivered the standards to the European Commission in 2000, some Members States objected to the publication of the references of the EN in the Official Journal of the European Communities. Subsequently, references to only 2 standards were published in the OJEC.

In order to correct this situation, the European Commission allocated a new mandate to CEN, to immediately launch revision procedures of the standards. Mandate M/317 was accepted by CEN in February 2002. CEN/TC 261 "Packaging" was requested to proceed to the necessary modifications.

The drafts, which are now submitted to a UAP, are the response of CEN/TC 261 to the objections made by Member States in 2000. However, as the modifications made do not change fundamentally the approach taken in the first edition, it is likely that these drafts will still be rejected by the European Commission.

ECOS wishes therefore to oppose to the publication of these drafts as European Standards. A general rationale is that, as stated in their introduction, they are based on a similar

approach to EN ISO 9000 and EN ISO 14001. Therefore, they deal with design and production processes and customer-supplier relationship. They do not give any requirements for individual packaging items, and therefore cannot be considered as providing technical solutions on how to comply with the essential requirements of the directive.

ECOS wishes to submit the following detailed technical comments for each draft.

EN 13428 - Packaging - Prevention

In general:

EN 13428 does not follow the target to optimise existing packaging with respect to environmental requirements, but rather argues against the request for such optimisation by referring to general performance criteria. The logic of EN13428 is to find any limiting performance criteria which keeps the supplier clean from any change of his actual packaging by determining a critical area which does not allow further reduction of packaging weight or volume.

Chapter 3.1 definition of "prevention by source reduction" therefore includes primary, secondary and tertiary packaging. It does not focus on the packaging component but focuses on the total weight of the packaging. The result of that restricted focus is, that if there is found a critical area for one packaging component, all other components do not have to be considered for optimisation any more. This leads to the fact, that if for the glass bottle (Example 2 of Annex B) there is stated a critical area for the impact resistance of the glass bottle itself, all other components as closures and labels may not be minimised any further. This means, that this bottle may wear numerous labels covering the total surface of the bottle and additional booklets as long as the consumer information (advertisement) is guaranteed.

In the same time, while ten general performance criteria for packaging requirements are listed in Annex 3 of EN 13428, the only ecological performance criteria taken into consideration is the weight and/or volume of the packaging. After 20 years of life cycle assessment discussion, this can not be accepted as state of the technique or as the state of the art.
The negative environmental impact of a specific packaging material is not its weight nor its volume, but the emissions to air, soil and water resolving from the production and waste treatment of the packaging. It is as well not determined only by the question of hazardous substances listed under 67/548/EEC and 1999/45/EC but by several environmental parameters, like the emission of green house gases to the air or emissions of phosphorus to the water etc. For a state of the art assessment of the environmental optimisation potential of a certain packaging, a differentiation of the environmental burden of the mean packaging materials is undeniable.

Amendments to prEN 13428-2004

Concerning - 3 Terms and definitions, 3.1 prevention by source reduction:
Replace.....",of primary and/or secondary and/or tertiary packaging,"... by ....."packaging and its components and/or constituents where appropriate,"....

Reason:
94/62/EEC sets its focus on all types of packaging primary, secondary and tertiary. Therefore it does not make any sense to repeat it in that specific definition. The assessment of all packaging components and in some cases of packaging constituents is basic for an adequate environmental assessment of the packaging.

Concerning - 4.2. Packaging Assessment, 4.2.1 General (reworded):
The supplier shall be able to demonstrate by the determination of a critical area that the minimum adequate amount of environmental burden of the packaging has been reached

taking into account the basic ranking of packaging material following Annex E against all the "performance criteria" included in clause 5. In those cases where the assessment procedure shows optimisation potential a state of the art life cycle assessment shall be worked out.

Reason:
Focusing solely on weight and/or volume as environmental parameters will lead to massive miss management. As a first step of assessment to find weak points of a specific packaging a simplified method shall be available with this standard. If there is need for more detailed research to decide between two packaging options, a detailed life cycle assessment is possible and adequate. Most packaging producers and many big fillers still proceed like this for many years with good success.

Annex E has to be worked out - data is available in several LCA studies purchased on the market. It shall include a list of not more than 100 general types of packaging material giving calculation factors for the packaging material weight.

EN 13429 Packaging - Reuse

Concerning "number of trips or rotations"

The definition of "reuse packaging" given in European Directive 94/62/EC requires a "certain number" of trips or rotations and asks for a specified "minimum number" of trips or rotations as a minimum requirement for reuse packaging. There is no "minimum number" defined in the directive nor does it ask for such a "fixing" by standardisation within article 9 and Annex II 2. M/200 really did not ask for such a fixing.

EN 13429-20000 neither fixed such a "minimum number" nor gives a method for measuring and calculating the number of trips. It is restricted to technical and organisational requirements for reuse packaging systems.

M/317 now asks definitively for a method for measuring this "number of trips/rotations" but even does not ask for a fixing of that number either.

From a technical view it is not useful to fix such a "minimum number" as it is hardly possible to fix it in general and very difficult to fix it individually for each reuse packaging system. Even there is no system for controlling these "numbers" in the member states nor there is any willing to sanction any remain under such a fixed figure. A screening and control for reuse systems would cause many years and cost a awful lot of money.
Therefore it seems much more useful to lay down binding requirements for the organisation and technical outfit of reuse systems to optimise existing systems and keep there marked share.

Amendments to prEN 13429-2002

Some useful aspects are still included in EN 13429:2000 some more have not been accepted by the CEN TC 261 SC4 in the past.

The following requirements shall be included in the standard EN 13429 "Packaging - Reuse":

1. The marking of reuse packaging by a common "reuse-symbol". This was not established by the COM nor by the EU-council and EP. This symbol shall be compulsory to be fixed on each reuse packaging and may be fixed additionally to other reuse symbols still used in the market.
2. The quantity of one way items (minor components) directly connected to the reuse packaging as labels and closures shall be reduced to a maximum of 1% by weight for

glass packaging and 3% to paper, plastic, metal and wood packaging. These one way items shall be recyclable and separated for recycling in the reconditioning facilities.

3. The definition and requirements for hybrid system 3.9 and 6.4 shall be deleted.

Reason: It leads to confusion and misleading consumer information. The packaging staying in a private household or company loos its function as reuse packaging as it is used as any other jar, bucket, pot or sack. It becomes packaging waste after being discarded by the end-user. The number of rotations for a reuse item as part of a hybrid system can not be measured nor calculated, as long as the one way item (minor component) can be used solely without any further packaging item or with other items, different from the reuse component intended by the producer. In all cases the share of the minor one way component to the reuse packaging (principal component) will be much higher than 3%.

4. The number of trips/rotations of a certain system shall be measured/calculated following CEN-Report CR 14520 "Packaging - Reuse - Methods for assessing the performance of a reuse system" and printed on the packaging label as part of the reuse symbol.

Specific amendments to prEN 13429-2004:

Concerning 3.7 - Definition of closed loop system
keep old wording like in EN 13429:2000

Concerning 6.2 c) and d) - Criteria for a closed loop system
keep old wording like in EN 13429:2000

*Reason: The basis of the closed loop system is a **contract** between the companies using/running the system. A co-operation does not fulfil this requirement*

Concerning 5.2 e) - Verification procedure
We welcome this basic requirement and we would like to see it as well in the requirements of standard EN 13430 and EN 13431.

Concerning 6.3 c) - Criteria for a open loop system
delete this paragraph.

Reason: The character of the open loop system is that there exists no contract between the companies using/running the system. There may be a public standard which can be used by the users.

Concerning 6.3 e) - Criteria for a open loop system
keep old wording like in EN 13429:2000

Reason: In open loop systems the owner of the packaging is the user. The exchange of the packaging to the next user/owner is part of a commercial deal which may not be part of an organised redistribution system.

Concerning Annex A
The headline is incorrect - Reuse is not part of the recycling scheme nor part of the recycling concept. The figure A1 shows the over all flows of all kind packaging in its life cycle from production to landfill.

Amendments concerning CEN-Report CR 14520 "Packaging - Reuse - Methods for assessing the performance of a reuse system"

Concerning 2.6 - Definitions "calculation period":
"adequate duration" is no unambiguous expression - it will cause confusion and misleading consumer information.

Concerning 2.11 - Definitions "closed loop system":
see amendment 5

Concerning 3.2 - Methods of calculation Hybrid system:
Delete without substitute - for reasons see amendment 3.

EN 13430 - Packaging - Recycling

In general:

EN 13430 does not fulfil the basic requirements for technical standards, as it is not clear and not easy to use. It is a multiple repetition of common statements using three Annexes and furthermore two EN and CR to state the requested requirements which are the scope of the standard itself. This structure and complicated work out is useful to disguise than to clear.

Delete Annex A

Incorporate the basic requirements of CR 13 688 into EN 13431

The requirements for packaging demanded for by EN 13430 have not to be met by all packaging which come to the EU market. Packaging which fail these requirements has to be incinerable following EN 13431. EN 13430 shall allow the producer/filler to prove conformity with directive 94/62/EC. The target of directive 94/62/EC is to optimise the recycling of packaging to raise the over all percentage of packaging recycling and reduce incineration and dumping of packaging waste. Therefore EN 13430 has to recognise all steps from packaging production, filling, use, collection, sorting and processing of used packaging. This is only possible if the existing state of the art in all steps of the process are considered.

- requirements depending from the packed good have to be considered
- requirements depending from the collection and sorting scheme have to be considered-
- Requirements resulting from common process steps like collection / sorting have to be set in general and not by packaging material means. They should be clear, measurable and formulated without political interpretation.
- the percentage by weight of packaging constituents shall not exceed 3% for glass and metal packaging and 5% for all other packaging fractions for collection have to be stated
- a minimum size of the packaging component stated recyclable has to be fixed

Amendments in detail:

Concerning 3. Terms and Definitions - The definition of "packaging constituents" has to be added under 3.7 as follows:

Packaging constituents - part of packaging, that can not be separated from the packaging user by hand or by using simple physical means. A typical packaging constituents is a label.

Concerning 4.2 - Packaging assessment (replace actual chapter 4.2 by the following):

The supplier/filler shall be able to demonstrate that the following general requirements have been met by the packaging:

a the percentage by weight of packaging constituents shall not exceed 3% for glass and metal packaging and 5% for all other packaging,

b the minimum size of the packaging component is 100ml volume or 300x200mm for flat components,

c the packaging component correspond to one of the collection fractions in the market of distribution,

d the residues from the packed good resolving in an empty packaging shall not exceed 3% for glass and metal packaging and 5% for all other packaging,

e packaging made of organic materials (paper, Plastics, wood) have not been used for meat, cheese and fish containing goods.

and that the procedures in normative Annexes B.....

Reasons:

a + d packaging constituents have to be separated from the packaging material which causes energy demand, production waste and quality losses in the secondary raw material. 3 respectively 5 % are the typical percentages of residues from recycling processes described in EN 13437.

b Packaging smaller than this are discarded in packaging material sorting plants.

c If there is no separate collection system in the market of distribution there is no recycling.

e Residues of fish, cheese and meat in used packaging made out of organic materials lead to moisture destroying the packaging material and causing harm to all people employed in the recycling process.

Concerning 4.3 - Declaration of percentage recyclable,

Delete Table C2 and Annex D.

Reason:
The calculation of theoretically possible recycling quotas per packaging component are senseless as the whole packaging component will in normal and foreseeable circumstances not be recycled at all. For all packaging components who fulfil the general requirements the percentage of 94% (glass) and 90% (all other packaging) of the used emptied packaging leading to the secondary raw material stream is a target necessary to optimise the recycling.

EN 13431 - Packaging - energy recovery

In general:

- EN 13431 on the one hand only focus on "factors under the control of the supplier", what in this case means, the packaging producer; and on the other EN 13431 mainly sets requirements for packaging waste (calorific value). All the conditions between these two stages of a packaging life cycle is ignored by the industry representatives of CEN TC 261. The intention of the EC/94/62 and the mandate M/317 is to optimise the energy recovery of packaging waste. Therefore the activities of the filler and the normal conditions of use have to be considered as well. The general statement within the introduction of EN 13431 second last sentence "It is concluded that packaging design and combination of materials do not create problems for energy recovery process."- therefor is absolute unacceptable.

- Optimisation of energy recovery does not mean that it is enough that the individual packaging burns to ash. The intention of the optimisation is to substitute other fossil fuels within the energy supply of industry. Refused Derived Fuel (RDF) needs a energy capacity of minimum 17 MJ/kg. Mostly all packaging waste being used for RDF is pre-treated to minimise the content of inert material and moisture (water).

- If packaging waste, including residues of the once contained goods, or the packaging material itself includes more than 20% of inert material it causes huge costs, energy loss and residues which have to go to landfill after the separation process. The production of RDF in that case makes no sense and the material is going to incineration with the first intention to minimise the space needed on the final land fill.

Amendments in detail

Concerning 5 - Requirements
replace existing Chapter 5 by the following:

To claim energy recovery for a filled packaging set onto the market the following requirements shall be met by emptied used packaging in normal and foreseeable condition:

- q net shall be at least 12 MJ/kg
- the share of inert material shall not exceed 25%
- collection and treatment for energy recovery shall be in place on the market of distribution.
- the packed good shall not contain hazardous materials and or more heavy metals as limited by Article 11 of the EC/62/94 for packaging material.

Reasons:
The four requirements do not limit the packaging market to a unacceptable extent. As Table B1 of Annex B of EN 13431 clearly shows, q net higher than 12 MJ only causes restrictions to very wet wood (more than 35% of water content) and to wrapping paper of more than 40% of inert filler. To burn very wet wood does not make any sense as any schoolboy knows. Paper consisting of more than 20% inert fillers is very uncommon for packaging, it meanly is used for high quality print papers like photo books. Metal cans shall not follow the energy recovery stream at all, as they are easy to separate and recycle - the same with paper, plastics and wood, recycling shall be the first choice where ever possible.
Especially for paper and plastics "energy recovery" causes energy loss of more than 60% of the energy used for the production of these materials.

Where there are no collection and treatment plants to produce RDF it is a matter of unfair competition to claim packaging "energy recoverable". As long as EN 13429 requires the existence of a retake and reconditioning for reuse packaging in place it is rightly to do so for recovery streams.

Used packaging going to industrial energy plants for energy recovery must not rise the hazardous emissions of those plants, as in normal conditions they are not in charge of gas cleaning equipment as municipal incinerators do. To limit the heavy metals and other hazardous materials in packaging material itself does not make any sense as long the residues inside the packaging are exempted from this limitation and can cause unacceptable emissions.