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EEB POSITION PAPER ON THE PROPOSED REVISION OF THE PACKAGING AND PACKAGING WASTE DIRECTIVE (94/62/EC)

1. General remarks

The EEB rejects the approach taken by the Commission on the revision of the Packaging and Packaging Waste Directive (94/62/EC) that was adopted on 7 December 2001.

This proposal takes a minimalist approach, as it only focuses on the introduction of new recovery and recycling targets and on the clarification of the relevant definitions (mechanical, chemical and feedstock recycling). The proposal ignores other important aspects of the Directive, such as prevention, reuse, producer responsibility, or the essential requirements of packaging (Annex II). According to the Commission, a broader revision would have led to considerable delay in the adoption of the revised targets. The Commission suggests using the Thematic Strategies on Resource Management and Recycling, announced by the 6th Environmental Action Programme, and the Communication/White Paper on Integrated Product Policy as the best instruments for dealing with these issues. The EEB finds these statements unacceptable.

The Commission seems to have forgotten the main objective of the Packaging Waste Directive, which is to prevent or reduce the environmental impact of packaging, by ensuring at the same time the functioning of the internal market. It further lays down provisions for “... *as first priority, prevention of packaging waste and, as additional fundamental principles, reuse of packaging, recycling and other forms of recovering packaging waste, and hence, reduction of the final disposal of such waste*”. (Art. 1:2)

The EEB strongly believes that the provisions concerning prevention, reuse, producer responsibility and the revision of essential requirements need to be addressed without any further delays. The Parliament also stresses this in its resolution on the implementation of the Packaging Directive (2000/2319(INI)). The Commission's choice to address important legislative requirements within both the thematic strategies and IPP would lead to a considerable delay in the process. Both instruments will require many years in order for them to be developed and implemented. And above all, they could bring the adoption of *non-binding measures*.

The proposal introduces a new recovery target, encouraging Member States to promote energy recovery. As a consequence, several Member States will be forced into incineration, even where

alternatives might be available. The lack of clarity surrounding 'energy recovery' leaves space for different interpretation and promotes the burning of waste as a substitute fuel to generate heat and electricity. Therefore without strict pollution control, energy recovery by incineration is a highly polluting activity, which releases a considerable amount of hazardous substances into the environment. Several Member States heavily subsidise electricity produced by the burning of waste, using the argument of cost-effectiveness and climate protection. However, energy recovery by incineration can only be efficient if a high energy ratio is guaranteed, as well as the elimination of the release of hazardous substances into the environment. Hence the environmental performance of recycling is generally much better than that of energy recovery, especially as regards climate protection and toxic pollution.

The EEB calls upon the European Parliament and the Council to reject the Commission's approach encouraging packaging waste generation and massive burning of packaging waste. Important issues such as prevention, reuse, producer responsibility and the essential requirements of packaging must be addressed *within the revision process of the Packaging Directive*, with no further delay.

2. On the Commission proposal

The EEB recommends the following approach for the revision of the Packaging Directive.

Prevention (Art 4)

The fundamental importance of the prevention concept in this Directive should be reinforced by indicating in Article 4 *the need for Member States to limit progressively the total quantity as well as the hazardousness of packaging waste stream.*

Reuse (Art 5)

The current formulation of the Article is weak. Therefore, it should be reinforced in accordance with the importance given to the reuse concept in Article 1, in which *reuse of packaging is mentioned as a fundamental principle aiming at the prevention of waste.*

Recovery and recycling targets (Art 6)

The setting up of high recovery targets results in the promotion of waste incineration. In order to limit this situation, fixed recovery targets should no longer be proposed. Upper limits seem difficult to enforce and to justify environmentally. It is therefore suggested not to use them in the revised Directive. *And it is further suggested to set up targets for the reuse of certain packaging materials.* These targets should be combined with recycling targets in order to *encourage alternatives to incineration where available.* This provision would be appropriate for all packaging material, where the amount corresponding to the reuse rate achieved *should be taken into account when considering the achievement of the fixed recycling targets. Member States would have the possibility to reduce the recycling targets of an amount corresponding to the reuse rate achieved.* Ambitious recycling targets would make an increase of the recovery target obsolete. We stress that the recycling targets set by the current proposal are not ambitious at all, and we recommend their replacement by the following ones: 65% as the minimum overall recycling target and, for specific minimum targets, 75% for glass, 65% for paper/board, 65% for aluminium and 65% for steel. As far as plastic is concerned, we welcome the introduction of the three different definitions of mechanical, chemical and feedstock recycling, but we suggest a minimum recycling target of 30% with 20% of this allotted to mechanical recycling, since mechanical recycling is in general environmentally superior to the other methods. *Article 6.6 should be then deleted.*

Concerning Greece, Ireland and Portugal, it should be taken into account that they have to achieve their present targets by December 2005, so that it might prove difficult to achieve substantial

increases by 30 June 2006. However, it would be logical that the supplementary delays are shorter than those in the first stage, so as to achieve a greater convergence.

Return, collection and recovery systems (Producer responsibility) (Art 7)

This article should be reinforced with the principle of producer responsibility by adding a paragraph indicating that the costs for the return, collection, reuse and recycling systems are to be taken in charge by producers or traders.

Essential requirements

An Annex with the Conformity Assessment Procedure in accordance with Council Decision 90/683/EEC should be added to the proposal.