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## Packaging and Packaging Waste Regulation Proposal

### APPLiA's Recommendations on the PPWR Proposal

In light of the EU's proposed Packaging and Packaging Waste Regulation (PPWR), APPLiA, the European association representing the home appliances industry, welcomes the initiative of the Commission to target the growing generation of waste and to contribute to the transition to a circular economy. To execute the underlying measures effectively, we have compiled several recommendations to be considered in further discussions.

Please find below a detailed **set of recommendations** from the home appliance industry:

*1. A harmonised approach to support the Single Market*

It is critical to implement the PPWR in a harmonised way that focuses on keeping markets open and cross-border trade for products flowing.

*2. A competent assessment on the reasonable implementation of reusable transport packaging*

We recommend applying such reusable targets only where it would make sense from the technical and environmental perspective, by means of thorough analyses based on feasibility studies, real-world circumstances, logistical considerations, potential effects on consumer health and safety, as well as goals for reducing food waste and safety standards.

*3. All requirements must be implemented with sufficient transition times*

A five-year implementation time as from the adoption of the implementing acts would be needed for our industry to cope with such new requirements.

*4. The administrative effort for compliance must be appropriate*

As Original Equipment Manufacturers, the PPWR has to provide clear responsibilities for the economic operators.

*5. Preference for digital solutions going forward*

We foresee a key opportunity to allow producers to provide relevant product information via digitally generated information/labels instead of paper versions.

*6. A consistent approach with other EU legislation & policies*

The PPWR should be the only legislation regulating packaging to avoid confusion and double regulation.



## 1. A harmonised approach to support the Single Market

The move from a Directive to a Regulation for Packaging and Packaging Waste will ensure obligations will be implemented in a more harmonised way across the EU Member States and secure the functioning of the Single Market, which APPLiA strongly supports.

It is critical to implement the PPWR in a way that focuses on keeping markets open and cross-border trade for products flowing. In this respect, we welcome the safeguards foreseen in Article 4 on Free Movement. However, we would like to voice our concern over the inclusion of clauses in the text that permit Member States to keep or enact particular requirements at the national level (e.g. Art. 4.5 and Art. 45).

Today, manufacturers of consumer products, which are present across different European markets, are facing a high number of national divergences when it comes to their packaging. For instance, differences in packaging marking covering the same product is an existing reality if we consider the mandatory Triman logo and sorting instructions in France (that keeps out also Qr-code using), compared to the marking obligations in Italy and the related alpha-numerical codes (that encourage Qr-code using). Just recently, Bulgaria amended its Ordinance of packaging and packaging waste legislation, further obliging packaging marking to also comply with such codes. These latter examples stem from the fact that Member States transpose Directive 94/62/EC in a different manner, thereby weakening the European Single Market.

If we consider the European Commission's proposal, we take note that there would still be some flexibility for Member States to keep some of their national (packaging) rules, provided they would not infringe the Single Market (cfr. Article 114 TFEU). We therefore call on competent authorities to further avoid keeping such national flexibility, specifically when it comes to packaging marking, as different (and mandatory) labelling obligations (including sorting, collection and material composition) would de facto breach the Single Market i.e. not ensuring the free movement of such goods and their packaging. We also fear that keeping such a flexibility in the legislative framework would cause Member States' competent authorities to close their minds to EU-harmonising requirements, consequently diluting the critical objective of switching from a Directive to a Regulation.

We believe that the packaging policy area should develop and implement a strong and uniform Regulation, with EU-wide harmonised requirements being transposed in a consolidated manner across all relevant markets.

In terms of future regulatory suggestions, the home appliance sector supports a strong dialogue between the EU Institutions and relevant stakeholders, prior to the setting of the packaging rules at the EU-level. The specificities of all industries should be duly considered while setting up the legislative-backbone of packaging requirements, with the aim of covering sectoral complexities as much as possible.



## **2. A competent assessment on the reasonable implementation of reusable transport packaging**

For the home appliance sector, the functionality of the packaging, meaning the protection of the product from physical damage and humidity (moisture), amongst others, would be the main focus during the packaging design process. Packaging is necessary to protect home appliances in the factory warehouses and during shipping, ensuring that the product is in good working order when it arrives at consumers homes, with a view of further ensuring their safety while using the equipment.

Improper packaging could in fact cause damages to the purchased product, which could in turn harm householders. Thus, ensuring consumers safety through optimal protective packaging is a key priority for our industry. Aside from that, household products come in a variety of shapes and sizes, as well as with a collection of spare components. All of this must be considered while designing the packaging. Consequently, the future legislation should take into account this complexity as well.

Likewise, the definition of packaging as found in Recital 10 and Article 3 of the European Commission proposal would be wide enough to cover nearly everything, e.g. a pouch for a product. If not further clarified, this broad definition would affect our sector's accountability and substantial efforts of compliance to the future PPWR. Clarity in this area is required for a good implementation process of the PPWR requirements.

In general, reusable packaging has the potential to be more circular from a material usage standpoint. Transport packaging may include many different components: pallets, plastic straps, boxes, pallet wrappings. For some of these components, the reuse is technically very difficult, or even impossible. In light of achieving the reusable targets as found in the European Commission's proposal, we warn that there may be an increased amount of greenhouse gas emissions associated with the manufacturing of a returnable (packaging) fleet, maintaining and returning such a fleet. The returnables are also heavier and hence may be more emissive to travel along the supply chain. Specifically, the reference to Annex II of Directive 2012/19/EU is not clear enough and is outdated as Annex II was applicable only during the WEEE transitional period.

We recommend applying such reusable targets only where it would make sense from the technical and environmental perspective, by means of thorough analyses with industry stakeholders, with a view of establishing an explicit and appropriate list of transport packaging components that would be ultimately covered by the requirements as laid down in Article 26 (1), (7), (9), (10), (12) and (13).

In light of this, the co-legislators should base the proposed goals for packaging reuse, recycled content, minimisation, and restrictions on packaging formats on available feasibility studies, real-world circumstances, logistical considerations, potential effects on consumer health and safety, as well as goals for reducing food waste and safety standards.

## **3. All requirements must be implemented with sufficient transition times**



Several suggested requirements for recyclable packaging laid down in Article 6 (2) will need to be put into practice 12 months after the Regulation becomes effective.

The Commission's goal of reducing packaging and packaging waste will be undermined unless the industry is given enough time to design and produce compliant packaging, and exemptions are established for products that had already been packaged before the requirements went into effect (such as transitional periods and rules on stock exhaustion).

Given the impact on production and innovation of products, we strongly recommend that a sufficient lead-time (not less than five years) should be granted between the publication of legislation, and the application of new packaging requirements, particularly in view of the need for developing harmonised standards. Most importantly, when it comes to Article 26 of the European Commission proposal, the implementing acts establishing detailed calculation rules and methodology regarding its targets are proposed to be adopted by 31st December 2028, further resulting in a two-year implementation timeline of the reusability requirements. **A five-year** implementation time as from the adoption of the implementing acts would be needed for our industry to cope with such new requirements.

Moreover, regarding Article 11 on labelling of packaging, we would propose to adapt the implementation timeline to **24 months** following the adoption of the implementing acts as referenced in Article 11(5).

In general, our industry would need sufficient time to adapt its processes for implementing new or updated legal requirements through complex supply chains.

#### **4. The administrative effort for compliance must be appropriate**

The Commission's text proposes compliance according to the Module A conformity assessment which shall be demonstrated in the technical information of the packaging and includes a declaration of conformity. In general, the manufacturer of a product is required to ensure its conformity towards the existing legislative requirements. In case of packaging, the proposal remains unclear about the responsibility of each economic operator. As an example, from the Original Equipment Manufacturer (OEM) perspective, it would be unclear how to ensure that the packaging from another vendor complies with the overall PPWR, and who would be responsible to store the technical documentation for the ten years as proposed throughout Chapter IV.

Another facet of this is the alignment with the Medical Devices Regulation (EU) 2017/745 (MDR) as packaging of products like Intense Pulsed Light (IPL) hair removal will fall into scope of the future PPWR (Annex XVI). The MDR already sets certain requirements for packaging of those products, such as its sterility, integrity and cleanliness, all requiring a thorough assessment. The two Regulations must be aligned to avoid duplications or conflicts and at least consider sufficient transition times and regulatory (Notified Body) resources for potential (re-)certification of the packaging.

#### **5. Preference for digital solutions going forward**

To reduce waste and enable consumers to play a more active role in the green and digital transitions, we call for a preference in digital solutions regarding, for example, the labelling obligations.



In a digitalised society, we foresee a key opportunity to allow producers to provide relevant product information via digitally generated information/labels instead of paper versions. This would also be an alternative to having to affix a label on the packaging of the product, which is subject to complexities due to the 24 different EU official languages and the limited space on packaging of small equipment and spare components.

## 6. A consistent approach with other EU legislation & policies

We call for full consistency between all existing chemical, waste and safety legislations. For instance, the new proposal for Regulation on Ecodesign requirements for Sustainable Products should not impose additional rules related to packaging for home appliances. The PPWR should be the only legislation regulating packaging to avoid confusion and double regulation.

APPLiA - Home Appliance Europe represents home appliance manufacturers from across Europe. By promoting innovative, sustainable policies and solutions for EU homes, APPLiA has helped build the sector into an economic powerhouse, with an annual turnover of EUR 50 billion, investing over EUR 1.4 billion in R&D activities and creating nearly 1 million jobs.

