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DIGITALEUROPE's initial views on the public consultation to inform the review of the requirements for packaging and other measures to prevent packaging waste



Executive summary

DIGITALEUROPE, the association representing the digital technology industry in Europe, welcomes the Commission's initiative to review the Directive 94/62/EC on Packaging and Packaging Waste and supports action to address the challenges of transitioning to a Circular Economy society.

DIGITALEUROPE members believe that reducing packaging and packaging waste's environmental impacts must involve all stakeholders along the packaging lifecycle stages. A risk management approach should be adopted, focusing on sectors that generate large volumes of waste packaging and use high-impact materials, with exemptions or *de minimis* rules for sectors with reduced packaging use and solutions with commonly recyclable and renewable materials.

The needs of specific sectors must be considered when designing mandatory requirements (minimum content, maximum size, labelling requirements, etc.) to avoid a 'rule fits all' approach. DIGITALEUROPE is concerned that unintended environmental impacts that cancel or exceed the positive effects can arise from such an approach, resulting in regrettable material substitution and the necessity of a system to manage exceptions.

As packaging requirements have an enormous impact on the free movement of goods both within and beyond the EU, it is of paramount importance for DIGITALEUROPE that harmonized regulatory measures are taken to promote the reduction of packaging waste to ensure the continued success of the EU internal market. Misalignments on any of the proposed measures as well as underlying

definitions and referenced standards among the Member States (e.g., reduction targets, plastic taxes, labelling requirements, 'recyclable' and 'reusable' definitions) can uneven the playing-field, increase regulatory complexity and operational burden of manufacturers, and can potentially jeopardize the expected results from the proposed measures.

Recommendations and rationales in responding to the consultation

1. Harmonization

DIGITALEUROPE highlights its concern over the proposal for specific Green Public Procurement (GPP) criteria at National and Sub-national levels. Misaligned requirements among the EU Member States have been consistently pointed out as one of the main barriers for manufacturers within the single market. It will be nearly impossible for manufacturers to comply with multiple national and sub-national mandatory packaging requirements for GPP.

2. Packaging Design Principles

Packaging has a crucial role in ensuring the protection, hygiene, safety and quality of products. Appropriate packaging helps to avoid waste generation as a result of product damage during logistic operations. As a trade-off between the benefits of packaging and the environmental impacts of packaging waste, DIGITALEUROPE highlights the urgency for a further impact assessment that evaluates the effects of technically prescriptive measures on companies' ability to innovate on packaging design and materials. It also calls for clarity on how the proposed measures support a holistic packaging lifecycle approach, including the positive impacts of preventing product spoilage, and including the carbon footprint of returning damaged products, to avoid unintended consequences and regrettable substitutions of materials.

3. Packaging Design Considerations

DIGITALEUROPE believes that packaging design considerations must be conceived to support design flexibility in opposition to unbending requirements to achieve a true holistic lifecycle approach. A 'rule fits all' approach, limiting the size of product packaging, will inevitably lead to many exceptions due to different

requirements of products for protection, hygiene, safety and quality. In time, it would undermine the relevance of the measures proposed.

Designing processes that support flexibility and champion innovation and technological developments are considered more favorable than technically prescriptive restrictions and targets on dimension and composition. It is rather crucial to remember that, especially when limited information on packaging lifecycle assessments that demonstrate overall positive environmental impacts are available.

4. Recycled Content

DIGITALEUROPE believes there is a need to strengthen the market for secondary raw materials. A focus should be given to developing an innovative, efficient, reliable and harmonized collection and recycling infrastructure across all EU Member States. In the meantime, the use of recycled content in packaging should be encouraged voluntarily, regardless of the materials' recycling chains' sophistication. The use of sustainably sourced materials should also be encouraged.

We urge the Commission to clarify the definition of the term '*recycled content*' by including both post-consumer and post-industrial sources and linking it to internationally recognized sources.

The proposal for a process to support assessing the potential inclusion of recycled content in all packaging types is welcomed as a non-mandatory guidance document. Most member companies have already implemented internal procedures to assess the possibility of including recycled content in their packaging, based on the company production processes, product requirements, supply chain and availability of recycled materials. Mandating a process would hence create an additional burden without necessarily adding an environmental benefit.

5. Packaging Dimension

DIGITALEUROPE is concerned that mandatory requirements limiting the packaging size of products may have unintended environmental impacts that can cancel or exceed the positive impacts. We urge the Commission to involve all actors in the industry in the potential drafting of a definition of '*overpackaging*' and further related criteria. To ensure the type of products being packaged, the product weight, the packaging material used as well as shipping conditions are all taken into account as influencing packaging's core functionality to protect the product.

DIGITALEUROPE Members strongly discourage the requirement for centrally managed reporting systems intended to reduce overpackaging. This would hamper innovation and increase the administrative burden to manufacturers with questionable positive benefits to packaging reduction.

6. Recyclable Packaging

The efficient and robust recycling industry is of uttermost importance to support any mandatory requirements on recyclable content in packaging material. DIGITALEUROPE believes that focus should be given to developing an innovative, efficient, reliable and harmonized collection and recycling infrastructure across all EU Member States. In the meantime, the recyclability requirement for all packaging should be encouraged voluntarily, regardless of the sophistication of the materials' recycling chains. The use of sustainably sourced materials should also be encouraged.

DIGITALEUROPE welcomes the Commission's intention to define the term '*recyclability*'. However, the information provided in the Public consultation doesn't offer a comprehensive understanding of the alternatives proposed, making it difficult to reach a position. We urge the Commission to give a clear definition of the term '*recyclability*' and support the initiative of linking it to internationally recognized sources (e.g., IEEE P1680.1TM/D24).

Furthermore, the information should be provided on the most '*recyclable*' and therefore favourable packaging materials, as a voluntary standard. Currently, this varies depending on local recycling infrastructure, making pan-European decisions on recyclable materials difficult.

7. Reusable packaging

DIGITALEUROPE believes that reusable packaging may contribute to reducing the environmental impact of packaging for certain sectors, but it may not be the best or only solution for electronics. Electronics packaging is specific to each product to ensure adequate protection. Therefore, reuse of packaging is limited without shipping packaging long distances.

Reusable packaging may contribute to reducing environmental impact for logistics scenarios, but this also may not be the best or only solution. Mandatory requirements across all sectors for reusable packaging should be avoided unless packaging lifecycle assessments prove beneficial.

DIGITALEUROPE would welcome a clear definition of the term '*reusability*' for packaging materials and support the initiative of linking it to internationally

recognized sources (e.g., ASTM D996 and ISO18603:2013). We also welcome further information on the necessary infrastructure to support packaging reuse in the EU Member States.

Although we recognise that ideally, all reusable packaging should be recyclable, on practical terms, it might depend on the required packaging characteristics, the minimum number of cycles that a packaging material must be reused to be considered reusable and the physical/chemical limitation in the recyclability of packaging materials already reused several cycles, etc.

8. Labelling requirements

The broad benefits of mandatory labelling for '*recyclable*', '*reusable*', '*compostable*' and '*non-recyclable*' packaging materials are only perceived as beneficial by DIGITALEUROPE members if the requirements are harmonized and equally implemented across the Member States, and preferably following internationally definitions and markings. National marking requirements can severely impede the single market's integrity, increase the administrative burden and operational costs and undermine the circularity of products and secondary materials across the Member States.

Labelling exemptions shall be considered (e.g., for films, parts with low masses and commonly recyclable materials), as well as the flexibility of the labelling (e.g., not necessarily requiring the label on the material itself). Overall, website communication and e-labels could be more effective and would assure readiness, traceability, and up to date information compared to physical labels or markings.

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About DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies.

DIGITALEUROPE Membership

Corporate Members

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National Trade Associations

Austria: IOÖ

Belarus: INFOPARK

Belgium: AGORIA

Croatia: Croatian Chamber of Economy

Cyprus: CITEA

Denmark: DI Digital, IT BRANCHEN, Dansk Erhverv

Estonia: ITL

Finland: TIF

France: AFNUM, Syntec Numérique, Tech in France

Germany: BITKOM, ZVEI

Greece: SEPE

Hungary: IVSZ

Ireland: Technology Ireland

Italy: Anitec-Assinform

Lithuania: INFOBALT

Luxembourg: APSI

Netherlands: NLdigital, FIAR

Norway: Abelia

Poland: KIGEIT, PIIT, ZIPSEE

Portugal: AGEFE

Romania: ANIS, APDETIC

Slovakia: ITAS

Slovenia: GZS

Spain: AMETIC

Sweden: Teknikföretagen, IT&Telekomföretagen

Switzerland: SWICO

Turkey: Digital Turkey Platform, ECID

Ukraine: IT UKRAINE

United Kingdom: techUK