



The Flexible Packaging Initiative: Reaction Points to the latest PPWR Discussions

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Contact: ceportaels@kellencompany.com

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1. Different timeline needed between Design for Recycling (DfR) and recyclability at scale. Legal certainty is needed for recyclability provisions. (Article 6)

Flexible packaging is today not yet collected and sorted in many Member States, which is an important pre-requisite to reach recyclability at scale. To ensure recyclability at scale for flexible packaging, both Member States and municipalities will have to undergo a substantive process of reinvestment of EPR fees in infrastructures for which the 2030 deadline seems difficult to apply. We support the fact to have 5 years between the moment packaging will have to comply with Design for Recycling criteria and the moment they should reach recyclability at scale. Recyclability at scale should not apply earlier than 2035.

Moreover, as redesigning flexible packaging takes time to keep key packaging functionalities, we ask for legal certainty regarding when the provisions will apply and for a reasonable timeframe for adaptation between the adoption of the delegated acts setting DfR criteria and their implementation (5 years).

2. Recycled content targets by 2030; Mass balance recognition and review clauses are needed (Article 7)

We ask for the 10% contact-sensitive recycled content target in 2030 and for the 'review clause' to be maintained. Such a target helps send a positive demand signal to the market whilst guaranteeing some flexibility in an ambiguous context. Without this target, we take the risk that necessary technologies to recycle flexible packaging (i.e. chemical recycling) won't have scaled to reach 2040 targets. Recognition of an EU harmonised mass balance by end of 2023 through the SUPD implementing act is also a critical condition to bring legal certainty for chemical recycling to scale. The Flexible Packaging Initiative supports a fuel-use exempt mass balance method.



Finally, setting the target per format, per plant, per year raises questions in regard to compliance for imports and coman/copack and limit the flexibility in a context of scarcity of supply. We support for the target to be set at overall company level (company should be interpreted as brand-owner, as opposed to shared through the value chain with converters etc).

3. DfR criteria per weight is highly unfavorable to flexible packaging (Article 6.3)

DfR criteria should be defined per packaging type (including the details on inks, coatings and adhesives which should be defined with the delegated act). In particular, defining recyclability performance grades based on weight can work for certain packaging type but might disincentivize light packaging types like flexibles to be optimised by weight (the lighter the material, the higher the ratio of inks/coatings/adhesives etc which doesn't necessarily make the packaging less recyclable).

4. Mandatory collection of flexible packaging (not 90%) – all packaging designed for recycling should be, as principle, be collected for recycling. Landfill should be banned and incineration disincentivized.

Packaging which is following Design for Recycling criteria is valuable material. As such, all packaging following the Design for Recycling criteria should be mandatorily and separately collected for recycling. Landfilling them should be banned and their incineration should be discouraged.

5. EPR payments have to be earmarked to the packaging type they are paid for. Plus, these have to reflect the net cost (profits have to be deducted). (Article 6)

Setting up well-performing collection-sorting-recycling infrastructure is a shared responsibility between public authorities and industry. As FPI members we are committed to support the funding of the collection, sorting and recycling of flexible packaging through the payment of EPR fees. However, it is important that the financial contribution we provide for flexible packaging is used to fund infrastructures for flexible packaging and not infrastructures for other material types.

6. Closed-loop recycling

The definition of high-quality recycling should be material neutral and be linked to the quality of secondary raw materials and their potential to substitute primary raw materials. The closed-loop recycling approach only meets the needs of few materials (PET food contact packaging back into food contact). It would be environmentally detrimental and highly problematic for other materials, especially those used in contact with food (eg. fiber-based packaging in food contact can be very well recycled into newspapers but cannot be part of a closed loop; flexible plastics recycled through mechanical recycling cannot go back into food contact packaging for hygiene reasons). Both closed and open loop recycling can deliver high quality recyclates and should be considered a desirable output of recycling streams.

However, we welcome the idea of having a preferential access to recycled content material for packaging having to meet mandatory targets like food contact flexible packaging.

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