

# Consultation Strategy

## Review of the requirements for packaging and other measures to prevent packaging waste

### 1. Background

#### The Packaging and Packaging Waste Directive

[Directive 94/62/EC on Packaging and Packaging Waste](#)<sup>1</sup> (hereafter the ‘Packaging Directive’) regulates the placing on the market of packaging as well as packaging waste prevention and management. It aims to harmonise measures concerning the management of packaging and packaging waste to prevent and reduce impacts on the environment and ensure the functioning of the internal market and avoid obstacles to trade. To that end, the Packaging Directive lays down measures aimed at preventing the production of packaging waste and at reusing packaging, at recycling and other forms of recovering packaging waste and therefore, at reducing the final disposal of such waste in order to contribute to the transition towards a circular economy. All packaging placed on the EU market has to comply with essential requirements relating to composition and its reusable, recyclable and/or recoverable nature.

The need for these requirements to be made more operational and effective in order to reach the objectives defined in the Packaging Directive has been acknowledged in the 2018 revision of the Waste legislation and through a number of packaging and packaging waste related commitments taken in the [Plastics Strategy](#), the [European Green Deal](#) and the new [Circular Economy Action Plan \(CEAP\)](#). The achievement of the objectives of the Packaging Directive is being undermined by undesirable trends in the packaging market such as the increased reliance on single use packaging and the growth in difficult to recycle packaging formats. The almost continuous overall increase in packaging waste generated in the EU calls for assessing the existing waste prevention initiatives in the Packaging Directive, with a view to revising or complementing them, thus reducing the generation of such waste and reducing related adverse environmental impacts.

#### This Initiative

The initiative follows up on the Plastics Strategy’s commitment to ensure that all plastic packaging is reusable or recyclable in an economically viable manner by 2030, and on the European Green Deal, which broadens this commitment to all packaging, and commits to additional measures to prevent and reduce over-packaging and packaging waste. It also reflects the objectives of the new Circular Economy Action Plan (CEAP 2.0), which in addition to the reinforcement of the essential requirements, calls for consideration of other measures with a focus on reducing (over)packaging and packaging waste, including by setting targets and other waste prevention measures, and reducing of complexity of packaging materials. It is also informed by the findings of the [fitness check of the Waste Stream Directives](#) carried out in 2014, which had identified the need for clearer and more specific requirements.

### 2. Consultation objectives and scope

The objectives of the consultation will be to gather stakeholder views, practical experience, evidence and data (e.g. about costs, societal impacts, potential benefits, technological solutions and problems) to inform the impact assessment process.

More specifically, the consultation activities aim at:

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<sup>1</sup> OJ L 365, 31.12.1994, p. 10

- Gather views of key stakeholders on the measures and options considered to achieve the initiative's objectives and impacts associated with these;
- Gather views on other impacts assessed in a qualitative manner;
- To ensure transparency in the preparatory process and encourage representation of a wide range of views from relevant stakeholders.
- Give an opportunity to stakeholders to provide input on the identification and feasibility of measures related to waste prevention, reusable packaging and improving packaging design;
- Fill in any gaps in data identified during the data collection exercise;
- Gather specific data required to support the construction of the Business as Usual Scenario. For example, data on packaging waste management routes, recycled content, hazardous content for a selection of packaging types (e.g. pharmaceutical or agricultural packaging);
- Refine the forward projections (as part of the Business as Usual Scenario) by identifying relevant data and sense-checking key assumptions with stakeholders; and
- Provide detailed data on costs and benefits for the impact assessment Cost Benefit Analysis model.

### 3. Relevant stakeholders

Essential requirements for packaging to be placed on the market affect product designers, packaging producers and fillers, wholesalers and retailers, consumers, waste collectors, sorters and recyclers, extended producer responsibility organisations, material suppliers and public authorities. Packaging concerns all stakeholders throughout the supply chain, particularly if those chains are to become more circular. Relevant stakeholders may be grouped as follows:

**Business associations and businesses:** Knowledge of the industries and value chains concerned with the different stages of the production and use of packaging and handling and processing of packaging waste will be a key factor in assessing the options for reinforcing the Packaging Directive. This stakeholder group includes European and national representatives and representative bodies of small and large packaging manufacturing companies (including chemical companies), packaging users (fillers) and retailers, food business operators or other product manufacturers, Extended Producer Responsibility Organisations, waste management companies/organisations, recyclers and users of waste and secondary raw materials.

**Regional or local municipalities and their representative bodies:** For an accurate assessment of the potential options, it is crucial to reflect on the logistical and financial challenges of municipalities in providing the necessary infrastructure and coordination of private (local businesses) and public sector (public waste collection services/ waste processing plants etc), along with providing waste collection facilities for citizens.

**National regulators, national and international public authorities:** Regulators and public bodies (environment agencies, ministries of environment and/or other regulatory bodies) have much experience administrating and enforcing measures and will have key insight to share to inform the assessment. Also for the development of specific measures, such as criteria related to packaging in green public procurement, relevant authorities in Member States will be consulted. European and non-European organisations, agencies (eg. EEA) and committees (European Economic and Social Committee and Committee of the Regions) and officials from relevant EU institutions will also be consulted.

**General public and consumers:** The views of end-users and consumers, who directly experience the impact of the essential requirements and waste prevention measures and shape the supply by their purchasing choices in their day-to-day life, are essential to assess the options for reinforcing the Packaging Directive. Of particular interest, is that their views go beyond purely

technical considerations, and capture attitudes towards system acceptability i.e. convenience etc. These views may also be gathered via consumer organisations.

**Other (NGOs, Academia, Think Tanks, Consultancy):** Any others who may have an interest in the circular economy generally and the essential requirements and packaging waste prevention specifically. The contribution of environmental NGOs is of high interest to link the particular case of plastic packaging waste with broader considerations of circular economy, marine pollution, waste management, environmental legislation, hazardousness etc. Health safety organisations/ NGOs might also be consulted.

## 4. Methodological overview

A range of different tools and approaches will be used to engage with stakeholders. This section presents a short summary of the main tools proposed to be used for the consultation.

### **Member State specific survey:**

In order to gather information on the state-of-play of related waste prevention policies, or other policies related to the essential requirements, e.g. on recycled content or reuse, Member State government representatives will receive a survey questionnaire in the first half of 2020. The survey will ask for up-to-date information on national policies recently implemented or firmly planned. Policies already in place for a longer time should be included in recent studies e.g. by the EEA. Member State authorities may still be contacted for follow-up interviews in order to close any remaining gaps, seek clarifications on the responses, etc.

### **Public Consultation:**

The aim of the public consultation is to gather the opinion of any interested citizen or organisation. It will aim, in particular, at engaging with stakeholders that do not take part in the other forms of consultation. The purpose of the public consultation is to gather feedback on the level of support for the different measures relating to waste prevention and the reinforcement of the essential requirements, as well as to capture some specific information for the impact assessment from consumers, e.g. attitudes around the convenience of reusable packaging systems.

To engage widely the European audience, the public consultation will be carried out in all 24 EU languages and is scheduled to be launched in August 2020 and to last 16 weeks.

### **Targeted Stakeholder Interviews:**

The purpose of the stakeholder interviews is to gain in-depth understanding of the views of key stakeholders and to inform the design of the measures under consideration. Interviews should cover all main stakeholder groups and the key stakeholders within each group. Interviews will be semi-structured and conducted primarily by phone. Interviews will begin to be carried out in April 2020. Additional interviews will be necessary for the impact assessment phase in the second half of 2020. This consultation will be carried out primarily in English; however, depending on the situation, interviews may involve additional languages such as French and German.

### **Stakeholder Meetings/ Workshops/ Webinars:**

The purpose of the stakeholder meetings is to gather information from stakeholders to help inform the direction of the work throughout the main part of the study. The meetings will cover different topics and target different groups (key stakeholders) through break-out sessions or other means.

The first meeting focusing on waste prevention measures has been held via webinar in the second half of May and aimed to confirm the problem definition in relation to packaging waste generation, present measures from some Member States that work well, and gather input on suitable measures for analysis in the impact assessment phase. After the summer, there will be meetings (or on-line events, depending on evolution of pandemic) on specific topics, such as reuse, e-commerce, recyclability definition, plastic films and composites and recycled content to provide input to the impact assessment.

A meeting with Member State experts before the summer will serve the purpose of collecting feedback on measures and options, while a workshop in November will look at the administrative burden of the proposed options.

**Feedback on the inception impact assessment roadmap<sup>2</sup>** will also be taken into account.

## 5. Ways to publicise the results of the consultation activities

The output of all consultation activities will be detailed in a synopsis report annexed to the impact assessment report.

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<sup>2</sup> <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12263-Review-of-the-requirements-for-packaging-and-feasibility-of-measures-to-prevent-packaging-waste>