

European Container Glass industry Position Proposal for a Packaging and Packaging Waste Regulation

By 2050 the container glass industry aims to achieve a major revolution, starting now, in the way we produce **glass that is fit for a circular and climate-neutral economy**. The container glass industry is strategic to the European economy because it **services the essential European food, beverage and pharmaceutical sectors as well as cosmetics and perfumery**. The industry serves these sectors in domestic markets and is an enabler for the export of high-end products across the world, which in turn delivers wealth to our economies through trade. **Products likely to be packed in glass contributed €250 billion to EU external trade in 2019.**

The European Container Glass manufacturing is a genuine circular model, which perfectly fits with the EU's ambition to build a circular economy. We are proud to work with a **material that is fully reusable and infinitely recyclable as well as inert to keep products safe and secure**. Our members work with their European and global customers to **right-weight** glass bottles, jars and flacons to deliver fit-for-purpose packaging. FEVE supports the objectives of the proposal for a Packaging & Packaging Waste Regulation to ensure a well-functioning internal market, tackle the negative environmental and health impacts from packaging and packaging waste and promote the circularity of packaging.

We welcome the European Commission's ambition to further promote the circularity of packaging. We consider however that some of the proposed measures would have strong repercussions on EU consumers and industry in Europe and abroad, without contributing to achieving the objectives of the Regulation.

You will find below a summary of our position, which is then further explained in this document.

Packaging waste Prevention:

- **We support material-specific waste reduction targets (as opposed to the proposed overall waste reduction targets)** to ensure all packaging materials contribute individually, equally and fairly to waste reduction.
- **Packaging performance criteria must acknowledge 'product presentation'** to minimise the weight of packaging while allowing packaging design to provide for product identification by the end user or consumer. This would maintain the ability of brands to differentiate, to make products stand out on the shelf and to appeal to consumers. The **packaging minimisation criteria should be consistent with intellectual property rights**, such as trademarks, industrial design rights, geographical indications, which are recognised by and protected under EU laws.
- Reuse targets are acknowledged as an important waste prevention measure, but it is **paramount to ensure that reuse can be implemented in a safe, economically viable and environmentally sustainable way that would bring tangible benefits compared to recyclable one-way packaging.**

Recyclability: The recyclability requirements in the proposal are comprehensive and a very good basis. We would welcome more ambition in the Regulation with regards to **closed-loop recycling, high-quality recycling, 'recycled at scale'** and the **timing** for the implementation of the recyclability criteria.

Separate collection: The Regulation should emphasise the **importance of separate collection as a prerequisite to guaranteeing high-quality recycling processes** and to the fulfilling of the recyclability criteria.

Derogation for substances in glass packaging: We welcome the **reassertion of Decision 2001/171/EC** of 19 February 2001 establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels to encourage recycling and ensure the uptake of recycled glass.

Deposit return schemes (DRS) for one-way glass packaging: We welcome that the proposal does not include glass packaging in the scope of the mandatory Deposit Return Schemes (DRS) for single-use packaging, therefore acknowledging that DRS are not the best solution to improve the collection for recycling rate of one-way glass packaging and would put at risk the well-functioning existing glass collection systems in the EU (bottle banks and kerbside collection).

Recycled content: We welcome that **no Recycled Content targets are set on glass packaging**. Introducing mandatory targets on recycled content has been conceived as a market driver for materials that do not have well-functioning secondary raw material markets. This approach is not effective for fully recyclable materials such as glass for which demand of recycled material largely exceeds supply.

Packaging Forum: Packaging experts should be involved in the development of highly technical secondary legislation, and we recommend the **creation of a Packaging Forum**.

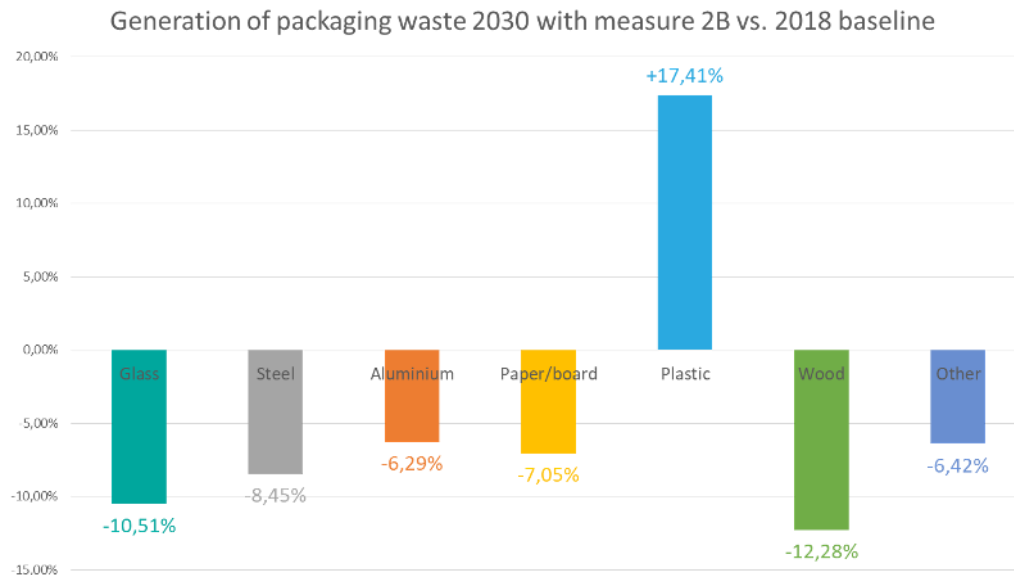
I. PACKAGING WASTE PREVENTION

a. Packaging Waste reduction targets per capita at Member State level need to be material-specific (Article 38)

- It is important to underline that “Packaging put on the market” is used as a proxy for “Packaging Waste Generated”, meaning that the highly ambitious reduction targets proposed (projected reduction of 19% in 2030, 29% in 2035 and 37% in real terms) will promote reuse and lightweighting of packaging but may also **limit the availability of packaging that is essential to deliver products to end consumers**.
- **The Commission aims to reduce the overall amount of packaging put on the market and to minimise the environmental impact of packaging. The generation of glass packaging waste per capita, however, has remained stable over the past decade and is expected to remain relatively stable according to the European Commission’s figures.** This is unlike the waste generation per capita of other packaging materials that has been subjected to a constant increase and is foreseen to significantly grow.
- **We are concerned by the setting of packaging waste reduction targets that are not material-specific.** We commend the vision and the intention to reduce waste, but it should focus on materials that create the biggest waste challenges. The best way to achieve this objective is to switch as much packaging as possible to materials that can be reused and infinitely recycled in a closed loop. Unfortunately, the current proposal might lead to the exact opposite as it incentivizes the wrong behaviour. This will cause severe market distortions, providing incentives to shift from heavier but circular (glass in particular) to lighter but difficult to recycle or reuse packaging materials. This would not necessarily reduce environmental impacts but could result in fact in increased adverse consequences. This is highlighted by the European Commission in its impact assessment *“Light-weighting of packaging has been accompanied by a shift to materials with a worse environmental footprint, particularly from metal and glass to plastic and paper/board”¹*.
- **The PPWR Impact Assessment shows that the proposed overall reduction targets will not ensure that all packaging materials contribute individually, equally and fairly to waste reduction.**

¹ PPWR Impact Assessment report (SWD(2022) 384) – Part 1, p.10

The following graph shows the reduction in packaging waste generation in 2030 compared to the 2018 baseline, as a result of a waste reduction target of 4% compared to 2018 (based on figures in the Impact Assessment)



- **We consider it critical that any packaging waste reduction targets would be material-specific to ensure that all packaging reduce the volumes and units of packaging they put on the market (effort sharing).** Waste prevention through reduction at source by material (as per the CEN standard EN 13428) should remain a key guiding principle whereby “the substitution of one packaging material by another is not a basis for source reduction”.
- **Leaving ample room for Member States to choose their own waste reduction measures (waste prevention and/or reuse targets) to achieve the waste reduction targets would result in divergent provisions and market barriers.** Member States should not be allowed to deviate from the requirements of Article 4 of the proposed Regulation (Free movement) when putting forward measures aimed at preventing packaging waste generation.

FEVE Recommendation: Material-specific packaging waste reduction targets (with the same target for all materials) would ensure **a fair effort sharing by all materials**, which would **reduce their environmental impact for their own material**.

b. [Weight minimisation: removing ‘product presentation’ from performance criteria for packaging is detrimental to European brands and products \(Article 9 and Annex IV\)](#)

- **Our members are fully committed to improving the sustainability of their products and to reducing the weight of their packaging.** Right-weighting and innovation are areas of interest to reduce costs and lower carbon footprints. Glass bottles are already 30-40% lighter than 20 years ago and 85% of the wine bottles our members sell are lightweight or medium weight. Customers can choose lighter bottles that work for them on sustainability, quality, brand identity.
- **Packaging is designed to not only contain and protect a specific product, convey product information, prolong shelf-life, preserve quality, make it safe to handle but also to make it easy-to-use and attractive**

for consumers and help shape a brand identity. Design² is key to brand building, elevation, premiumisation, differentiation, recognition, and acceptance by consumers. **The weight of a packaging is a result of design (shape, decoration, etc.).** No longer including ‘consumer acceptance’ and ‘marketing and product presentation’ in the performance criteria related to packaging minimisation carries the risk of having detrimental effects on the design of packaging, leading to **standardization**, and subsequently the **identity of European brands as well as European cultural heritage of said brands**. Packaging design can be protected by Intellectual Property Rights. The packaging volume and weight should be limited to the minimum adequate amount while guaranteeing the packaging core functionalities for a given design.

- **On top of its health and environmental credentials, the unique characteristics of glass in terms of design, transparency, shapes, colours and versatility often make glass an integral part of the product.** Glass-packed products contribute to the reputation, image, competitiveness and profitability of the European industry on a global stage, supporting exports and contributing to the EU’s positive trade balance³. Considering items almost always or often packed in glass, glass is an **enabler of extra EU exports of around €250 billion in 2019**. This implies glass containers and items packed in glass drive more extra EU export earnings than plastics resins & pellets, organic chemicals or aircraft.
- **The focus on just weight is very narrow** and appears to be done in isolation. Glass is **100% and infinitely recyclable** and achieves very high collection for recycling rates (80% in the EU in 2020). It can thus continuously feed back into the European circular economy. It is a **key material in ensuring the protection of the given products and allows brands to differentiate themselves via a sustainable and circular packaging material**.
- **In some product categories, the shape of the bottle also reflects tradition and cultural heritage and can highlight the product type and/or geography.** This is therefore welcome that the European Commission proposes to introduce some flexibility for packaging design subject to geographical indications of origin protected under Union legislation but **this should cover all products covered by intellectual property rights (e.g. design rights, trade marks, geographical indications, etc.)**.
- **An unbalanced and over-restrictive approach towards the legitimate consideration of customer acceptance and brand recognition in the PPWR would lead to standardisation of packaging and have far-reaching negative consequences on consumer-choice, product value, and brand identity that have not been thoroughly assessed.** FEVE is in favour of evidence-based decision-making, and we are extremely concerned that the Impact Assessment recognises that *“the specific environmental/economic/social impacts of this measure could not be quantified”*⁴. The Impact Assessment fails therefore to justify whether this measure is proportionate to the policy objectives.

FEVE Recommendations:

- ‘Product presentation’ should be listed in the packaging performance criteria (Part I of Annex IV- to fully reflect the functionalities of packaging listed in the definition of ‘packaging’. This would ensure that the packaging volume and weight are limited to the minimum adequate amount while guaranteeing the packaging core functionalities for a given design.

² ‘design’ means the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation (Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs)

³ Initial analysis on the strategic importance of the container glass sector - Pengwern Associates study for FEVE

⁴ PPWR Impact Assessment report (SWD(2022) 384) – Part 2, p.348-349

- The packaging minimisation criteria should not infringe intellectual property rights, such as trademarks, design rights, geographical indications, which are recognised by and protected under EU laws.
- Producers of packaging should be given sufficient time to redesign their packaging according to the new performance criteria. Any change in packaging design not only impacts packaging production but would also have repercussions on filling, labelling, secondary and tertiary packaging, transport logistics, etc.

c. [Reuse \(Articles 10, 26, 45\)](#)

- We welcome that **reusable packaging should only cover packaging which has been specifically conceived, designed and placed on the market with the objective to be reused or refilled**, to accomplish **as many trips or rotations as possible** in normally predictable conditions of use, and for which **a system for reuse is in place**. We fully support that reusable packaging should **fulfil the recyclability requirements** at the end of its useful lifetime.
- **We support the choice of our customers, who decide to use one-way or reusable products based on thorough consideration of logistics, environmental, technical, industrial, and consumer aspects** of reuse compared to one-way packaging. Brands and fillers are the best placed to be the obligated industry for the calculation of reuse as retail on their own will not be able to comply without the supply chain.
- **Reusable glass is a reality decades in Europe** and it is the leading sales packaging option for a number of products in some countries. **Reusable packaging can be an efficient and sustainable solution to maintain products in a short supply chain, and an important waste prevention measure, but it is not always suitable – or the optimal solution – for all product categories and requires a systemic change in business models.** It is paramount to ensure that reuse can be implemented with due consideration for the safety of the product and of the consumer in an economically viable and environmentally sustainable way that would bring tangible benefits compared to recyclable one-way packaging.

FEVE Recommendation: The Regulation should recognise that reusable packaging can be an efficient and sustainable solution to maintain products in a short supply chain, and an important waste prevention measure, but it is not always suitable – or the optimal solution – for all product categories and requires a major shift in business models. It is paramount to ensure that reuse can be implemented with due consideration for the safety of the product and of the consumer in an economically viable and environmentally sustainable way that would bring tangible benefits compared to recyclable one-way packaging.

II. **RECYCLABILITY (Article 6 and Annex II)**

- FEVE welcomes the European Commission's ambition to require that **all packaging placed on the EU market shall be recyclable**, based on harmonised criteria for 'recyclable packaging' to ensure that packaging are sufficiently and effectively collected, sorted and recycled in practice and at scale. We support the establishment of **Design for recycling criteria and A – E recyclability performance grades, which will be a basis for the eco-modulation of EPR fees.**
- There are however a number of missed opportunities to transition to a fully circular economy:
 - In line with the European Parliament's resolution of 10 February 2021 on the New Circular Economy Action Plan ([2020/2077\(INI\)](#)), the Regulation should **differentiate between the qualities**

of secondary raw materials and promote **high-quality recycling** and the use of materials that can be **recycled multiple times** without losing their intrinsic properties and can **replace primary raw materials in future applications (so-called Permanent Materials)**.

- **Acknowledge closed-loop recycling** as a key measure to guarantee that more packaging placed on the market is made from recycled material in a continuous loop rather than being produced from virgin raw materials. This qualitative aspect of recyclability should be reflected in the performance grades A and B.
 - Packaging should have the ability to be effectively and efficiently separated from the waste stream, collected, sorted and recycled at scale in **Member States representing at least 90% of the EU population (instead of 75% in the European Commission's proposal)**.
 - In line with the European Green Deal and its Circular Economy Action Plan, **all packaging placed on the EU market shall be reusable or recyclable in an economically viable way by 2030**. All recyclability criteria – including the 'at scale' criteria – should be fulfilled at the latest in 2030 (and not in 2035).
 - **Two years would be adequate time for innovative packaging to demonstrate that they can meet the recyclability criteria set in Article 6**. Ideally, when a packaging is put on the market, the existing collection and sorting infrastructure should already be able to deal with it and ensure that it can be recycled at the end of its life.
- In terms of process, the Regulation should indicate a clear timeframe for the adoption of delegated acts to ensure legal certainty and predictability and give economic operators sufficient time to adapt (at least two years before the application of the requirements). A delay by the European Commission in the adoption of the delegated acts establishing Design for Recycling guidelines and the methodology to assess the collection, sorting and recycling of packaging 'at scale' should not be a reason for non-compliance with points a) and e) of Article 6.

FEVE Recommendations:

- The recyclability requirements in the proposal are comprehensive and a very good basis. We would welcome more ambition in the Regulation with regards to closed-loop recycling, high-quality recycling, 'recycled at scale' and the timing for the implementation of the recyclability criteria.
- The Regulation should indicate a clear timeframe for the adoption of delegated acts (at least two years before the application of the requirements).

III. SEPARATE COLLECTION

- The Requirements on packaging recyclability should be backed up by measures triggering investments in collection, sorting, and recycling infrastructure across Europe. The way packaging is collected directly impacts the quantity and quality of the collected materials that can be recycled. **Separate collection and sorting are therefore the prerequisite to guaranteeing high-quality recycling processes and to the fulfilling of the recyclability criteria.**

FEVE Recommendation: The Regulation should emphasise the importance of separate collection as a prerequisite to guaranteeing high-quality recycling processes and to the fulfilling of the recyclability criteria.

IV. DEROGATION ON SUBSTANCES IN GLASS PACKAGING (Article 5)

- As regards the concentration levels of substances of concern, **we welcome the reassertion of [Decision 2001/171/EC](#)** of 19 February 2001 establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste to encourage recycling and ensure the uptake of recycled glass (recital 18).
- **Lead is not intentionally added to the glass packaging production but is a result of contaminants (lead crystal glass) in the collection system.** As long as products that contain this chemical element continue to be authorised in the EU, along with stocks of legacy products in homes, their improper disposal in glass bottle banks and kerbside collections will result in the contamination of glass recyclates despite the major efforts undertaken by the processing sector to equip all recycling plants with lead detection technologies.
- Additionally, there is no adverse health effects due to the presence of lead in bottles due to the **inert nature of glass** that traps the lead inside the glass matrix. Any reassessment for amendment must therefore take account of the continuing existence of glass products containing lead that continue to be placed on the market, without a dedicated collection system and which end up contaminating the glass packaging recycling streams.

FEVE Recommendation: Maintain the derogation granted to glass packaging for the concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components established in Decision 2001/171/EC.

V. DEPOSIT RETURN SCHEMES (DRS) FOR ONE-WAY GLASS PACKAGING (Article 44)

- **FEVE welcomes that one-way glass packaging would be out of the scope of the mandatory DRS for single-use packaging.** Glass has a very high level of collection for recycling rate – 80% in 2020 in the EU – mainly based on current Municipal Waste Collection schemes (bottle banks and kerbside collection) and is always fit for food contact no matter how many times it is recycled.
- **Our aim is to boost the European collection for recycling rate to 90% by 2030 and improve the quality of collected glass.** That is the ambition of [Close the Glass Loop](#), the stewardship platform that we launched with our value chain partners (municipalities, brand owners, Extended Producer Responsibility Schemes, recyclers, and container glass manufacturers). The highest recycling rates for glass can be achieved when there is a separate single glass collection system, consistent kerbside and bottle bank collections, and effective public communication initiatives, under a system of Extended Producer Responsibility. We therefore support improved Extended Producer Responsibility schemes and municipal waste management systems that make collection simple for the consumer and optimal for the recycling value chain. **EPR schemes should be maintained and improved as they make sense for glass from an economic and environmental point of view.**
- **A DRS is NOT the right waste collection system for glass recycling:**
 - Unlike other packaging waste streams (plastic in particular), food and non-food container glass can be collected together without impacting the closed loop recycling back into food and beverage packaging.
 - DRS systems are typically used for certain beverage containers (beer, water, soft drinks) and therefore only cover a fraction of glass packaging waste (food containers, cosmetics and pharma

are generally outside the scope of DRS). The limited scope of DRS means that the existing systems (bottle banks and kerbside collection) are still necessary to collect the remaining glass packaging and they may become economically unviable due to the tonnage diverted by the DRS

- A DRS breaks up a functioning system into two separate waste collection systems and will result in the current system losing performance as well as creating confusion for consumers.

For more details, please see [FEVE position paper 'Boosting closed loop glass recycling in Europe – Why Deposit Return Schemes are not the way forward'](#).

FEVE Recommendations:

- Keep glass out of the scope of the mandatory Deposit Return Schemes for single-use packaging.
- Acknowledge that Deposit Return Schemes are not the best solution to improve the collection for recycling rate of one-way glass packaging.

VI. RECYCLED CONTENT (Article 7)

- **We welcome that no mandatory recycled content targets are proposed for glass packaging.** There are big economic and environmental incentives for the glass industry to use recycled content, as it saves energy and reduces CO₂ emissions. Recycled glass is today the most important raw material for our industry (on average 52% of recycled content in Europe). Introducing mandatory targets on recycled content has been conceived as a market driver for materials that do not have well-functioning secondary raw material markets and where demand of recycled material is lower than supply. This approach is not effective for fully recyclable materials such as glass for which the increase of the average recycled content is directly linked to the availability of more, better-quality recycled glass.

FEVE Recommendation:

- No Recycled Content targets on glass packaging.

VII. PACKAGING FORUM

- Packaging experts should be involved in the development of highly technical secondary legislation. A Packaging Forum should therefore be created. It would be managed by the European Commission and would be composed of representatives from national authorities and the entire packaging value chain to enable the involvement of packaging experts. This Committee would be tasked to support the Commission with the preparation and regular updates of the various delegated and implementing acts foreseen in the Regulation.

About FEVE

FEVE is the association of European manufacturers of glass containers. The glass packaging industry generates 125 000 direct and indirect jobs thanks to 160 Container glass production sites in Europe producing a wide range of glass packaging products for food and beverages, perfumery, cosmetics and pharmacy for European and global customers. FEVE members have plants in 23 European Member States. Container glass is one of Europe's best recycled products. See more on www.feve.org.