

20 January 2000

REVISION OF THE PACKAGING AND PACKAGING WASTE DIRECTIVE (94/62/EC)

UNICE COMMENTS

*Discussion Paper on the Revision of the Packaging and Packaging Waste Directive 94/62/EC
(dated 1 December 1999)*

1. Introduction

Article 6.3A of the Packaging and Packaging Waste Directive provides for revision of the proposed recycling and recovery targets for the second five-year period (2001-2006) of the Directive. To meet this legal provision, DG Environment prepared a discussion paper on revision of the Packaging and Packaging Waste Directive 94/62/EC (dated 1 December 1999). In this discussion paper two options - for the targets to be achieved in 2006 - are presented as a starting point for discussion.

UNICE, which speaks for European industry and business, welcomes this opportunity to comment on this discussion paper. UNICE's comments are broken down into three sections as follows:

- its view on the fundamental approach to be followed for revision of the Directive;
- specific comments on the discussion paper dated 1 December 1999 including options 1 and 2;
- recommendations for a structured dialogue with relevant stakeholders on revision of the Packaging and Packaging Waste Directive.

2. Fundamental approach to be followed for revision of the directive

In UNICE's views, any revision of the Packaging and Packaging Waste Directive should:

- respect the twofold objective of the Directive: high level of environmental protection and ensuring the functioning of the Internal Market;
- be based on reliable and comparable data and require coherency in data collection across all EU Member States;
- be based on a sound analysis of the experience gained so far by both Member States and industry;
- respect the principle of non-discrimination between the different packaging waste management systems, different types of packaging systems and packaging materials as long as they are in line with the essential requirements of the Directive;
- be accompanied by a cost-benefit analysis on the environmental, social and economic impact of the Directive.

UNICE believes that all Commission efforts should be devoted to fulfilling the elements outlined above and that any modification of the current Packaging and Packaging Waste Directive should be in line with these requirements.

3. Comments on the discussion paper on the revision of the Packaging and Packaging Waste Directive dated 1 December 1999

In general

It is the observation of all parties involved, industry and Member States, that:

- reliable and comparable data are not available: many of the data do not reflect the real situation in the different Member States;
- a sound overview and analysis of the experience gained by industry and all 15 Member States is missing so far;
- information about the environmental benefits of the Directive and Internal Market consequences for the first five-year phase of the Directive is not available.

UNICE concludes that a sound evaluation of the ecological, social and economic effects as a result of the Directive has not been presented to interested parties and institutions.

Proposed Options

Option 1: Industry and business is convinced that 60% recycling for each material is technically and economically not realistic for most EU Member States. Before recycling targets are raised it should be taken into consideration that every packaging material has its own economic and ecological optimum for recycling. This optimum varies from one Member State to another because of the differences in infrastructure, local circumstances and other waste management activities.

Another point for consideration is that focusing on only one management option, e.g. recycling, does not give sufficient incentives to the packaging chain to investigate various options and to choose the one with the lowest environmental impact. Having a limited number of options may lead to developments that may not be in line with EU waste management policy objectives.

Option 2: The proposed differentiated targets per material are not based on representative scientific analysis. It is clear that the different levels will lead to discrimination between different packaging materials.

Taking out incineration with energy recovery as a recovery option is completely out of line with the EU Council resolution on a Community strategy for Waste Management (24/02/97) that stipulates energy recovery as one recovery options. Furthermore, such an essential change could modify the environmental goal of the directive from preventing and reducing the environmental impact of packaging and packaging waste to maximising recycling and is not justifiable from an ecological cost/benefit analysis.

4. Conclusions and recommendations for the revision process

Industry is convinced that a proper evaluation of the ecological, social and economic effects resulting of the first five year phase of the Directive is essential to organise a sound revision process which leads to a policy approach containing the development of economically efficient and ecologically effective targets for the coming five year phase.

In our view “improvement” is the spirit of Article 6.3 of the Packaging and Packaging Waste Directive. Therefore, we believe that revision of the Packaging and Packaging Waste Directive is an outstanding opportunity for all parties involved to improve measurements methods and thereby make it easier to ensure that the overall objectives of the Directive are met: high level of environmental protection and ensuring smooth functioning of the Internal Market.

UNICE believes that process of a structured dialogue with the relevant stakeholders on packaging and packaging waste will lead to development of economically efficient and ecologically effective targets. As UNICE stated during the Consultation meeting on 21 December 1999, a structured dialogue should be based on important features including:

- definition of common and clear environmental goals
- analysis of instruments and means available to reach these environmental goals
- definition of each involved stakeholders’ role and responsibility

Industry believes that there is a need for an elementary rethink of the Directive’s targets, based on current results and underpinned by a thorough assessment of environmental, economic and social impacts. Such a process should address at least one of the fundamental principles of Sustainable Development, namely optimal use of resources.

To recall, industry has already started this process by developing the concept of “Integrated Resource and Waste Management (IRWM)”. The working definition of IRWM is ‘the management of resources and waste in an optimised way, taking into consideration environmental, economic and social aspects’. IRWM is based on flexibility and it fosters choice of the option with the highest efficiency in resource utilisation and the lowest environmental impact.

UNICE would like to co-operate with the involved European Commission services in order to reach agreement on terms of reference for a structured dialogue on fundamental principles that should guide future measurements and thereby help to ensure a durable reduction of the environmental impact of packaging and packaging waste.

UNICE and sectoral organisations would be very glad to participate in such a structured dialogue.