

ACE Position Paper: Proposal on Packaging and Packaging Waste Regulation

Introduction

[ACE](#) supports the European Commission's (EC) vision that by 2030 all packaging should be reusable and/or recyclable. ACE is committed to continue its sustainability journey as demonstrated by the sector's 2030 Roadmap (www.beveragecarton.eu).

Beverage cartons are a sustainable and essential packaging solution allowing the safe transport, storage, and use of sensitive products such as milk/dairy, plant-based products, juice and food (respectively beverage cartons pack ca. 75% of milk¹ and 59%² of juice in Europe). Their composition and light-weighted structure allow for easy transport and long shelf life.

Beverage cartons are recycled at scale in Europe in around 20 specialised recycling plants at a rate of over 50%. Our industry has invested over 200 million euros and plans to invest some additional 120-150 million euros in Europe to support the recycling of all components of beverage cartons.³

Beverage cartons have the lowest carbon footprint in their category of milk and juice as demonstrated by several LCA studies, which included NGOs.⁴ This is thanks to the light-weight structure of the packaging, the renewability of the main raw materials, the use of renewable energy (95% on average) and the transport and packaging efficiency (about 30% more milk can be packed in a truck using beverage cartons compared to bottles).

The beverage carton industry acknowledges the need to revise the rules on packaging and packaging waste management to align them with the overall objective of the EU Green Deal. We believe that the current PPWR proposal contains positive measures, but that additional consideration is needed for some elements. **In particular, we believe that critical aspects such as consumers' health, economic and environmental benefits, roles and responsibilities of the economic operators (e.g. suppliers and manufacturers) and technical feasibility of the measures proposed need to be further examined. The Impact Assessment does not provide robust evidence-based facts for some of these aspects.**

¹ Roland Berger: Impact assessment study of an EU-wide collection for recycling target of beverage cartons (2022)

² 2018 Liquid Fruit Market Report

³ Roland Berger: Impact assessment study of an EU-wide collection for recycling target of beverage cartons (2022)

⁴ Supporting evidence – Environmental performance of beverage cartons, Circular Analytics, <https://www.beveragecarton.eu/news-and-resource-centre/publications/>. ZeroWaste Europe https://zerowasteurope.eu/wp-content/uploads/2020/12/zwe_reloop_report_reusable-vs-single-use-packaging-a-review-of-environmental-impact_en.pdf.pdf?v2.pdf?utm_source=POLITICO.EU&utm_campaign=edf8c1d17b-EMAIL_CAMPAIGN_2022_10_24_02_44&utm_medium=email&utm_term=0_10959edeb5-edf8c1d17b-190996081



1. HIGH QUALITY RECYCLING: Calling for a closed material loop approach to recycling.

A definition of high-quality recycling should be linked to the quality of secondary raw materials and their potential to substitute primary raw materials. Nowadays, all fibres recycled find their way into new products as demonstrated by the high recycling rate for paper-based packaging (82%).

In the case of paper-based packaging and beverage cartons, a closed product loop approach would mandate the use of fibres in the same products, even if the most suitable and sustainable use of the recycled fibres would be in another type of paper products. In addition, due to the food safety regulation the use of recycled fibres in food contact application, especially in the context of microbiologically sensitive products, it is challenging and subject to EFSA authorisation.

A closed product-loop approach may result in inefficient use of recycled materials that could increase fossil fuel emissions, hinder innovation, hinder well-functioning recycling streams for paper, and delay the EU's green future ambitions.

ACE calls for a closed material loop approach to recycling where recycled fibre can be recycled back into new fibre-based products.

2. DESIGN FOR RECYCLING GUIDELINES – Need for a transparent, technical and evidence based approach.

Design for Recycling Guidelines criteria are paramount as they will determine the future of specific packaging formats as well as their performance, together with the ability to put them on the market.

In order to ensure fair treatment among all packaging, **the definition of technical details should not be part of this Regulation but addressed in the DfR Guidelines (de facto negative list but based on technical sound knowledge). Therefore, ACE calls for an empty list of parameters which will be specified in the DfR Guidelines.** We believe that a non-evidence based list of parameters would stifle innovation and does not reflect today's state of technological development. An arbitrary list of parameters is contradictory to key Treaty principles including proportionality, the obligation to avoid errors of assessment, and could create an unfair advantage for one material over another (e.g. plastic over paper). Specifically, two-sided coated laminates are proven by different Design for Recycling Guidelines or standards, including those elaborated by [CITEO](#), [The German minimum requirements for recyclability](#) and the [Vienna University DfR](#) to be effectively recyclable and recycled.

ACE calls for the Regulation to avoid anticipating the technical description of the parameters hindering recycling. The technical assessment should be left of the design for recycling guidelines determine these elements..

3. Enabling conditions for packaging to be recycled at scale – Need for a mandatory collection target.

Industry needs enabling conditions to ensure beverage cartons are recycled at scale by 2035. The first step to recycling is collection. It would be unjustified to ban packaging if not recycled at scale in 2035 while collection is a collective responsibility and a multi-actor effort.

A mandatory collection target for all packaging - including beverage cartons - by 2030 is a critical pre-condition to allow efficient and effective collection, sorting and recycling in Europe. Where such a target exists (e.g. Belgium) beverage carton recycling is at



high rates. In the case of beverage cartons, such a target would allow a significant increase in the recycling of beverage cartons that would provide many benefits including⁵:

- Significant savings of GHG emissions contributing to the EU climate neutral ambitions (ca 190 k tons to 340 k tons reduction per year).
- A contribution to the overall paper recycling rate and to Member States targets, contributing to the EU circularity objectives and goals.
- A level playing field for all packaging (beverage cartons are discriminated against vis a vis their main competitor (PET) that have a collection target set up in the SUPD).
- Increased traceability of recycling of beverage cartons.
- A harmonised collection target across the EU. The current situation is quite fragmented – some Member States have a collection target for beverage cartons, while others support an EU-approach to a collection target for used beverage cartons.
- An incentive to increase investments in sorting and recycling –predictability of volumes collected would be beneficial and complementary to our industry’s continuous investments on recycling.
- Administrative costs for Member States would be negligible as the responsibility for reporting and aggregating data is with Producers Responsibility Organisations.

DRS is a valuable system in countries where the existing selective collection schemes are unable to deliver high collection rates. However, DRS should focus on inclusion of all packaging formats regardless of the content they contain.

ACE supports a 90% mandatory collection target for all packaging by 2030 as part of the upcoming Packaging and Packaging Waste Regulation.

4. Exemption from reuse targets for microbiological sensitive products

Juice is a microbiological sensitive product⁶ that provides consumers with essential vitamins and nutrients and is consumed daily by millions of EU citizens as part of a healthy lifestyle.

Fruit juices and nectars, like milk products, are made with raw materials of agricultural origin. This makes them easily fermentable, perishable and sensitive to light and oxygen⁷. Their microbiological nature makes them more sensitive when compared to soft drinks or water, and packaging performs the crucial role of providing an effective barrier against entry of microorganisms and oxygen, light and loss of aromas. The ‘Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption’ does not allow to use of preservatives in juice⁸.

Using non-sterile packaging would result in fruit juices and milk spoiling in a very short time, which would create consumer food safety issues and food waste⁹.

To protect the microbiological sensitiveness of its products, the fruit juice industry largely uses packaging which best protects, transports and preserves its products,

⁵ Roland Berger study, 2022 - <https://www.squareandcircular.eu/>

⁶ Definition of fruit juice - The fermentable but unfermented product obtained from the edible part of fruit which is sound and ripe, fresh or *preserved by chilling or freezing* of one or more kinds mixed together having the characteristic colour, flavour and taste typical of the juice of the fruit from which it comes.

Annex 1 - Directive 2001/112/EC - <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02001L0112-20141005>

⁷ “Juice processing and preservation” in Fruit juices: extraction, composition, quality and analysis, ed. by G. Rajauria & B. Tiwari. 2018. Page 5.

⁸ Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02001L0112-20141005>

⁹ “Pathogens and spoilage microorganisms in fruit juice: an overview”, B. de Cássica Martins Salomão, in Fruit juices: extraction, composition, quality and analysis, ed. by G. Rajauria & B. Tiwari. 2018. Page 291.



especially at ambient temperatures and to ensure a longer shelf life. The only reusable packaging, technically feasible for fruit juices, is glass. All others are unable to protect the product from spoilage after sanitation. If mandatory reuse requirements and targets are set for the fruit juice industry, the only alternative will be to use heavy returnable glass bottles.

Reusable glass does not offer the same environmental and sustainability attributes and benefits as beverage cartons. The EC Impact Assessment accompanying the PPWR proposal calculates that switching from heavy packaging such as glass towards lighter alternatives would lead to a significant reduction in GHG emissions and water use¹⁰.

ACE calls for an exemption from reuse targets for microbiological sensitive products

¹⁰ COMMISSION STAFF WORKING DOCUMENT - IMPACT ASSESSMENT REPORT
<https://environment.ec.europa.eu/system/files/2022-11/Impact%20assessment%20accompanying%20the%20proposal%20-%20part%201.pdf>