

ECN's feedback on the Commission's proposal for a Packaging and Packaging Waste Regulation

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The European Compost Network (ECN) welcomes the opportunity to comment on the Commission's public consultation on the revision of the packaging and packaging waste directive.

First of all, the ECN acknowledges the efforts of the Commission in addressing the increase of packaging and packaging waste generation and tackling the limited competitiveness of secondary raw materials. Taking action towards a shift to a full circular economy that prioritises reuse and recycling is key to reaching resource efficiency and contributing crucially to the goals set in the EU Green Deal and Zero Pollution Action Plan to make Europe climate neutral and toxic-free by 2050. In principle, the ECN underpins the decision of the Commission to implement harmonised rules in the form of a Regulation, since the present situation clearly highlights the shortcomings and regulatory failures of the current Directive.

The ECN supports the circular economy. The organisation and its members are committed to increasing separate collection and recycling of bio-waste and are engaged in producing quality compost and digestate to be used in growing media, as well as organic fertilisers and soil improvers applied in agriculture, horticulture and landscaping.

First and foremost, we would like to emphasize that **ECN does not consider biological treatment (composting and anaerobic digestion) as the generally preferred option for the recycling of any packaging item.**

In light of this, as representatives of the bio-waste recycling sector, we would like to raise concerns and make remarks specifically on Article 8 of the proposed legislation, which regulates the production and marketing of a specific and limited group of compostable packaging material.

Our main concern is related to the title 'Compostable Packaging' as this does not cover all biological waste treatment techniques, like anaerobic digestion, which is a common biological waste treatment technology for the recycling of separately collected biowaste into quality products, like digestate. Biodegradation under anaerobic condition shall be

considered under Article 8 and especially the listed items in paragraph 1 shall degrade under all industrially controlled conditions in bio-waste treatment facilities.

Also, the definition ‘compostable packaging’ given under Article 3 (41) does not explicitly refer to anaerobic digestion. There is a need to respect as well as refer to the anaerobic treatment of bio-waste, which is described as one of the best available techniques (BAT) for waste treatment under the Industry Emission Directive 2010/75/EU. Especially when potentially ‘compostable packaging’ ends up with separately collected bio-waste in anaerobic digestion plants.

In general, it has to be respected that automatic and unconditional access of compostable materials to biowaste recycling facilities cannot be granted, as the technical suitability depends on the composting practices and infrastructure present in a particular situation. Thus, there is a need for a phased implementation, considering particular regional or national situations.

Paragraph 1 sets out a positive list of items that shall be made compostable, including tea and coffee bags, sticky labels attached to fruit and vegetables, and finally **very lightweight plastic carrier bags**. ECN acknowledges a limited positive list of specific items that are apportioning significant quantities of bio-waste.

Notwithstanding the shareable intention of the Commission to address the contamination by conventional plastic polymers of the bio-waste recycling stream and reduce the dragging factor of compostable materials by banning specific SUP items made of conventional plastic polymers, the proposal of systematic collection with bio-waste must reckon with the different operating systems of European composting and AD plants.

This is true, **especially for compostable bioplastics bags**, whose use to ease and enhance the separate collection of bio-waste has a long-time record in countries such as Italy¹, Austria², Spain (Catalunya) and more recently Ireland and Denmark; but are not (or rarely) accepted in several organic recycling facilities in other Member States such as Germany³,

¹ Italy manages and recycles compostable plastics packaging since two decades and compostable plastic liners have been the backbone of the collection scheme for food waste; since 2010 the separate collection of food waste must be done by using compostable liners (made of paper or of plastics certified according to the EN 13432 standard).

² A ban on conventional plastic lightweight carrier bags has been introduced since 1.1.2020 promoted by the Austrian Compost and Biogas Association. Only EN 13432 certified, thin walled bags as collection aid for bio-waste are accepted. <https://www.biosackerl.at/>

³ According to the Germany Biowaste Ordinance (from 01.11.2023 on), only liners (biodegradable plastic collection bags) are suitable to be collected with the biowaste if they are produced preponderant from renewable resources, comply with DIN EN 13432 or DIN EN 14995 and have an additional proof and certification for complete disintegration < 2mm within 6 weeks composting and labelled according to uniform graphic and textual specifications. The use and collection of biodegradable liners in the biowaste is only permitted if public waste authority allows it.

Norway, Sweden and the Netherlands which rely solely on anaerobic digestion or on composting facilities with shorter treatment time as those currently considered in the EN 13432 and EN 14995 standards.

With regard to standards, the ECN would like to underline that a European Standard for '*Packaging*', which lays down '*requirements for packaging recoverable through organic recycling*' has to take into account the different biological treatment techniques (aerobic & anaerobic) which are present for the biological treatment of separately collected bio-waste.

Regarding the collection of **all packaging products** mentioned and listed in paragraph 1 with bio-waste, we consider that the decision should be left to Member States, where appropriate waste collection schemes and waste infrastructure are available ensuring beforehand that this material does not hinder the whole recycling process of bio-waste and does not affect the quality of the final secondary product.

With regard to paragraph 5, which empowers the Commission to amend the positive list of items set out in paragraph 1 of the same article by adding new types of packaging, the ECN requests that additional materials can only be included on the list by delegated acts only after they have been thoroughly discussed in an Expert Group set up by the Commission comprising stakeholders and operators of the industrial composting and anaerobic digestion sector.

We firmly believe that policy makers in individual Member States need to have a prominent role in setting requirements and deciding which products can enter composting plants or anaerobic digestion plants based on national experiences. In addition to standardisation, national policies should therefore be used to regulate 'compostability', and these policies need to be tailored according to the practices and infrastructures present in that specific country, as a one-size fits all approach would prove inefficient and inapplicable.

Finally, the ECN calls the Commission to further push the Member States to start a separate collection of bio-waste and to set up the needed infrastructure on biological treatment, so that the mandatory separate collection set by 2023 will be realised.

We as ECN remain available and open for further discussion with the Commission and with interested parties on these issues.

About the ECN

The ECN is the leading European membership organisation promoting sustainable recycling practices by composting and anaerobic digestion of organic resources and guarding over the quality and safe use of the recovered organic fertilisers and soil improvers. With 64 members from 27 European Countries ECN represents more than 4500 experts and plant operators with more than 45 million tonnes of biological waste treatment capacity.