



**EUROPEN Contributions to the Commission  
Consultation on the EU Waste Management  
Targets Review  
9 September 2013**

Consultation period: 4 June 2013 to 10 September 2013

# Commission Questionnaire on Targets Review

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## INTRODUCTION BY THE EUROPEAN COMMISSION:

The Targets Review Project has been commissioned by DG Environment at the European Commission. The project is aimed at identifying the issues and proposing possible solutions to the targets in the Waste Framework Directive, the Landfill Directive, and the Packaging and Packaging Waste Directive. The basis for the review of the targets is twofold: on the one hand it is to respond to the review clauses set out in the Directives and, on the other, to bring these targets in line with the Commission's ambitions of promoting resource efficiency as detailed in the [Roadmap on Resource Efficiency](#), the aspirations for which have been included as part of the Commission's proposal for a [7th Environmental Action Programme](#).

This consultation starts by asking questions on the three Directives whose targets are under review. With a view to considering how to translate the Commission's Resource Efficiency Roadmap into legally binding targets, additional questions are then asked regarding the aspirational targets contained within the Roadmap. The final Section of the consultation asks a small number of questions on the effectiveness of the targets in the European legislation.

The consultation is made up of the following sections:

- Section 2: General Questions
- Section 3: Consultation for European Citizens (citizens only)
- Section 4: Waste Framework Directive
- Section 5: Landfill Directive
- Section 6: Packaging and Packaging Waste Directive
- Section 7: Roadmap to a Resource Efficient Europe
- Section 8: Targets as a Tool in Waste Legislation

### IMPORTANT NOTICE:

Your response to questions will be automatically saved at regular intervals. Thus, if your computer crashes or you are unable to complete the consultation you can return to it at a later stage. Your information will only be saved if the cookie that identifies your contribution is not removed from your computer. It is therefore important to ensure that your computer can accept cookies and that you do not delete these while you are working on the consultation.

You can find a full list of the consultation questions on the official website of the [Targets Review Project](#), alternatively you can download a pdf of the questions by clicking on the icon in the top right-hand corner of this page. You will be guided through each section of the consultation, and can skip any sections that you feel are not of relevance to *you and/or* your organisation.

We thank you in advance for your participation in this consultation. Your input is essential to this project and will be considered in conjunction with responses received from other stakeholders. The results of the consultation will be published in the autumn on the official website of the [Targets Review Project](#) and on [Your Voice in Europe](#). If you would like to be notified when the results are published please register your interest on the website.

## 1.0 Personal Details

EUROPEN to provide details

## 2.0 Consultation for European Citizens

As an industry association, EUROPEN will not reply to the questions intended for European Citizens.

**Do you make efforts to reduce the amount of household waste you produce?**

[Yes/No]

**If yes, please identify which of the following actions you are undertaking to reduce your waste (you may tick more than one option if appropriate):**

- I avoid food and other waste by buying exactly what I need.
- I avoid buying 'over packaged' goods.
- I have taken efforts to stop receiving unwanted mail.
- I undertake home composting.
- I use rechargeable batteries as far as possible.
- I drink tap water to avoid packaging waste.
- I use reusable nappies on my children.
- I donate/sell items for reuse.
- I make efforts to get broken appliances repaired before buying new ones.
- Other actions.

**If not, what are the main reasons why are you not trying to reduce the amount of waste you produce (you may tick more than one option if appropriate):**

- Reducing waste is not important.
- There is no public incentive to produce less waste.
- I do not know how I can reduce waste (for example, through home composting).
- It is the responsibility of the product producer to reduce waste, not mine.
- Other reasons

**Do you sort your waste out for recycling?**

[Yes/No]

**What are the reasons for not sorting out your waste for recycling? (Please tick more than one if appropriate)**

- There is no separate collection service available in the area where I live.
- The recycling collection service is not convenient (e.g. I have to travel too far to reach the nearest facilities).

- There is not enough space in the recycling containers.
- The waste that is sorted for recycling is not collected often enough.
- It takes too much time to sort my waste.
- Organic wastes are not collected regularly enough.
- I have no place to store the sorted waste.
- Recycling is not my responsibility and should be done by the public authorities.
- There is no point in recycling as all the materials are burnt or landfilled anyway.
- I don't understand the sorting instructions that are required for me to separate my waste.
- Other reasons.

**If yes, which of the following wastes are you regularly sorting (please tick multiple options if appropriate)?**

- Paper
- Card
- Glass
- Metals
- Beverage cartons
- Aluminium
- Plastic bottles
- Other plastics
- Textiles (clothing)
- Garden waste
- Food waste
- Batteries
- Households hazardous waste (paint, chemicals, etc.)
- Electric and electronic waste equipment
- Other

**Would you sort out other waste streams for recycling if it was made convenient for you to do so?**

[Yes/No]

**If yes, which additional waste streams would you like to be collected for recycling?**

- Paper
- Card
- Glass
- Metals
- Beverage cartons
- Aluminium
- Plastic bottles
- Other plastics
- Textiles (clothing)
- Garden waste
- Food waste
- Batteries
- Households hazardous waste (paint, chemicals, etc.)
- Electric and electronic waste equipment
- Other

**For what reasons are you sorting your waste (select more than one option if appropriate)?**

- Sorting waste is compulsory in my municipality.
- I pay less if I sort my waste for recycling.
- I think recycling helps to save the resources of the planet.
- I need to sort my waste so that my refuse bin does not become too full.
- It is something that the public authorities recommend I do.
- All my neighbours are sorting their waste.
- Other reasons.

**Municipal waste management represents a cost for the public authorities. Amongst the following proposals, please tick the one you agree with most strongly. The costs of municipal waste management should be paid by:**

- General taxes paid by all citizens.

- Partly by general taxes, and partly by those placing products on the markets (such as producers of electronic goods, companies whose products are sold in packaging, etc.).
- Partly by general taxes, and partly by charges linked to the amount of unsorted waste produced by the household (so that those households producing less waste, or making greater efforts to recycle, are paying less than the others).
- By a combination of general taxes, contributions from companies selling goods whose packaging may end up as waste, and charges linked to the amount of unsorted waste produced by the household.
- Other.

**If other, please provide details.**

### 3.0 Waste Framework Directive

The targets set out in Article 11(2) of the Waste Framework Directive are:

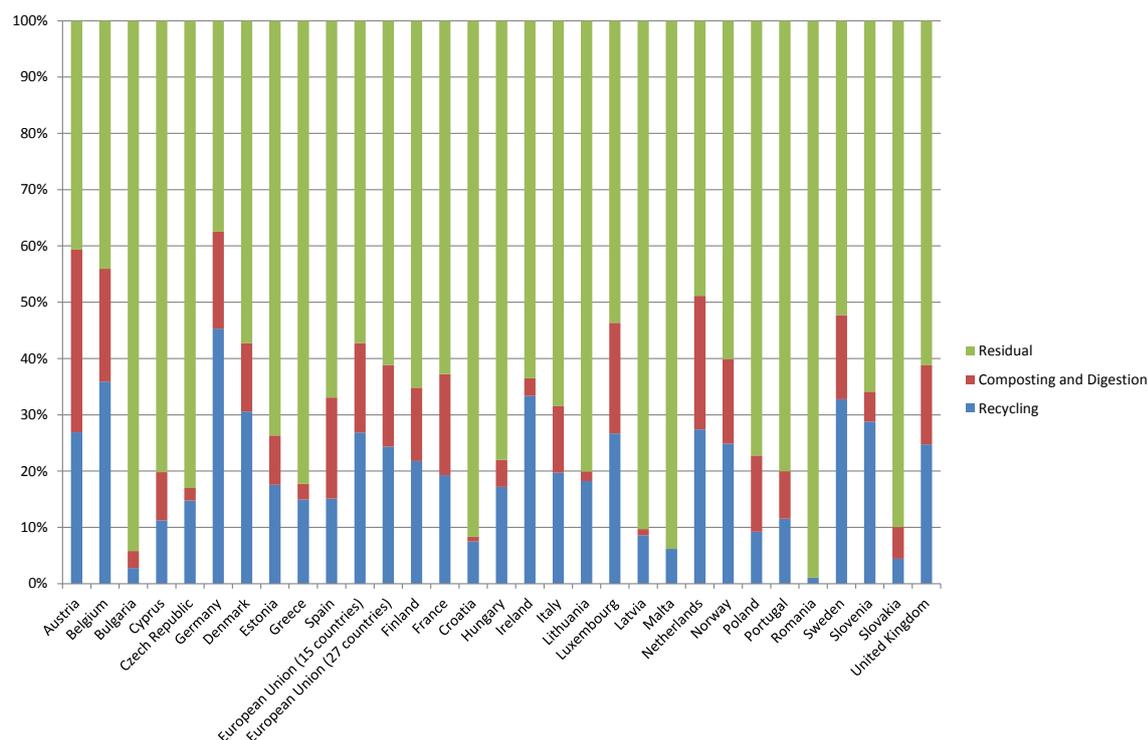
- a) by 2020, the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50 % by weight.
- b) by 2020, the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste shall be increased to a minimum of 70 % by weight.

Article 11 stipulates that by the end of 2014 at the latest, the Commission should examine these targets with a view to, if necessary, reinforcing the targets and considering the setting of targets for other waste streams. Pursuant to Article 9, the Commission should propose, where appropriate, waste prevention and decoupling objectives for 2020. Waste prevention targets are discussed in the section of the consultation concerning the Roadmap on Resource Efficiency (see below).

In an effort to improve quality the Waste Framework Directive has called for the introduction of separate collections. In this regard, Article 10(2) of the Directive states that, *'Waste shall be collected separately if technically, environmentally and economically practicable and shall not be mixed with other waste or other material with different properties'*. Article 11(1) goes on to say that, *'Subject to Article 10(2), by 2015 separate collection shall be set up for at least the following: paper, metal, plastic and glass'*.

Figure 1 shows that the combined rate for recycling and composting / digestion of municipal waste ranged from around 5% to more than 60% in different EU Member States (it should be noted that there are some ongoing issues associated with the way this data is reported).

Figure 1: Recycling and Composting of Municipal Waste by Member State (2011 Data)



Source: Eurostat

**QUESTION: Do you want to respond to the questions on the Waste Framework Directive? If you select "No" you can move on to the next section of the consultation which deals with the Landfill Directive. If you select "Yes" the questions relating to the Waste Framework Directive will open up below.**

[Yes/No]

### 3.1 Key Issues

A number of key issues have been identified in relation to the above targets. These issues are presented in no particular order in the list below.

#### Targets on Municipal Waste, Article 11 (2) a

1. The targets for preparation for reuse and recycling set out in Article 11(2) of the Waste Framework Directive can be met in different ways. The four methods outlined in the [Commission Decision on calculation methods \(2011/753/EU\)](#) are not equivalent.
2. The easiest route to compliance (of the four methods mentioned above) implies only a small additional effort relative to what is already required under the Packaging Directive. This weakens the significance of the targets.
3. The target waste stream is defined as being waste from 'households and possibly from other origins as far as these waste streams are similar to waste from households'. This leaves too much room for interpretation and makes the performance against the targets non-comparable.
4. There is some ambiguity about the materials which can be included as counting towards the target under the different calculation methods. This is unhelpful in terms of setting a target against which the performance of all Member States can be compared.
5. There are already concerns regarding the quality of that material which is collected for recycling. This has to be considered in any change to the targets.
6. The [Commission Decision on calculation methods \(2011/753/EU\)](#) lacks appropriate proposals on how to measure preparation for reuse.

7. According to reported data, some Member States have already met and exceeded the recycling targets set out in the Waste Framework Directive and the Packaging Directive.

### **Construction & Demolition Waste Targets, Article 11 (2) b**

1. The [Commission Decision on calculation methods \(2011/753/EU\)](#) provides a clear proposal on how to calculate the recovery rate for construction and demolition (C&D) waste set out in Article 11(2)b of the Waste Framework Directive. However, no reports have yet been submitted by Member States so it is not yet clear what approach different countries will take in this reporting and how they are performing relative to the target.
2. The existing target in the Directive includes other material recovery including backfilling operations. These operations will be complex to measure and calculate and their environmental impact will be uncertain.
3. Recycling and material recovery are poorly differentiated in the Directive.

**QUESTION: Are there any issues related to the targets in the Waste Framework Directive which you feel are important and should be added to those listed above? If so, please describe up to three additional issues in the text boxes below (please ensure that you only enter one clearly defined issue per box). Please note that these issues should be associated with the existing targets, not with other issues related to the general state of waste management.**

### **EUROPEN input:**

#### Issue 1:

Eunomia points out that Commission Decision 2011/753/EU provides EU Member States with four methods for meeting the Waste Framework Directive's (WFD) target of preparing for reuse and recycling 50% of household waste by 2020. These are:

- preparation for reuse and recycling of paper, metal, plastic and glass household waste;
- preparation for reuse and recycling of paper, metal, plastic and glass household waste and other single types of household waste or of similar waste from other origins;
- preparation for reuse and recycling of household waste;
- preparation for reuse and recycling of municipal waste.

As this household waste target was only set in 2010 and does not have to be met until 2020, it is not yet possible for EUROPEN to draw meaningful conclusions from the implementation so far or provide an assessment of potential problems.

However, giving Member States four choices as to how they define the Waste Framework Directive's target of preparing for reuse and recycling 50% of household waste by 2020, Commission Decision 2011/753/EU is extremely unhelpful. These inconsistencies in methodology generally lead to unreliable and non-comparable statistics.

#### Issue 2:

The Waste Framework Directive (WFD) is currently not fully implemented and enforced meaning that in some Member States municipal waste is not collected nationwide or fully managed. **If the requirement for separate collection of paper, metal, plastics and glass by 2015 is to be met, full implementation and enforcement of the WFD in Member States where implementation gaps persist is key. This will further enhance recycling and recovery rates.**

#### Issue 3:

EUROPEN would like to stress that **the Packaging and Packaging Waste Directive (PPWD) has proven to be a successful and appropriate legislative framework for driving the recovery and recycling of all packaging waste.** EUROPEN strongly believes that a separate regulatory approach for packaging is essential, in order to address the specific requirements for packaging and packaging waste in terms of volumes, consumer visibility, recycling or recovery value and market structure. In this regard, **EUROPEN is strongly opposed to the PPWD targets being subsumed within the broader Waste Framework Directive (WFD) targets.** Industry, municipalities and other stakeholders have made substantial investments to ensure that packaging waste targets

in Member States and at EU level are met and in many cases exceeded. These achievements are reflected in the WFD recovery and recycling rates reached.

According to reported data, some Member States have already met and exceeded the recycling targets set out in the WFD and the PPWD. While considerable progress has been made in achieving those targets, performance among Member States varies greatly. Efforts should therefore **focus on incentivising less performing Member States to reach levels of recovery and recycling near those seen today in the highest performing Member States.**

EUROPEN would support higher minimum recovery and recycling targets for well performing Member States, subject to certain caveats concerning feasibility, economic efficiency and maintenance of the provisions on the Single Market. For instance, some national rates may present *de facto* practical, environmental and economic limits. For some Member States, going beyond existing EU targets would require significant additional investments in infrastructure and reprocessing capacity, and would entail disproportionately high costs with little or no net environmental gain. **EUROPEN welcomes a tailored approach taking into account national specificities as reflected in the European Commission’s initiative to take up bilateral contacts with 10 lesser performing Member States.**

### 3.2 Suggestions for Revision

This section considers options for changes to the Waste Framework Directive. A number of suggested options for changes to the Directive targets are listed below, in no particular order. If you feel that there are possible solutions which are missing from the list, and which you feel should be given careful consideration, you may identify up to three additional solutions which you feel are important in the free text boxes below. Please only identify options which you strongly support.

**QUESTION: For each solution that has been identified please give a score, on a scale of 1 to 5, to clearly demonstrate your preference for the solution proposed. For example, give a score of 1 to any options you feel are not worth further consideration and a score of 5 to options you believe are extremely good ideas and should be given serious consideration (this is not a ranking exercise so you may give the same scores to more than one option).**

- 1 = a = poor idea, not worth consideration
- 2 = b
- 3 = c = moderately good idea, may be worth further consideration
- 4 = d
- 5 = e = very good idea, definitely deserves further consideration

#### Targets on Municipal Waste, Article 11 (2) a

QUESTIONS	EUROPEN RATING
1. Establish a single target and calculation method based only on the quantity of <i>municipal</i> waste collected. This would require that a consistent definition of municipal waste is used in all Member States.	<b>c</b>
2. Extend the existing targets to include other specific waste streams beyond paper, metal, plastic and glass (for example, wood, food waste, textiles, and other materials in municipal waste).	<b>b</b>
3. Establish a single target and calculation method based only on the quantity of household waste collected. This would require that a consistent definition of household waste is used in all Member States.	<b>a</b>
4. Adjust the targets so that biowaste is also included.	<b>b</b>

5. Set targets which reflect environmental weightings for materials (for example, through reference to greenhouse gas savings achieved through recycling).	a
6. Improve monitoring and validation of the reports submitted by Member States so that the consistency and reliability of data can be validated.	e
7. Introduce requirements on businesses to sort a range of waste materials for recycling and composting/anaerobic digestion	c

### Construction & Demolition Waste Targets, Article 11 (2) b

*Not relevant for EUROOPEN*

**QUESTION:** *Are there any other proposals in addition to the above that you feel deserve serious consideration? If so, please describe up to three additional solutions in the text boxes below (as in the list above, please ensure that you only enter one clearly defined solution per box). Please only include options which you strongly favour.*

#### **EUROOPEN input for boxes (on suggestions 1 and 3):**

Euromia suggests several options for revising the municipal waste targets. The Waste Framework Directive (WFD) sets a requirement for separate collection of paper, metal, plastics and glass by 2015. This will have to be implemented in all Member States if the preparing for re-use and recycling target (min 50%) is to be met by 2020. **The full implementation and enforcement of the WFD in all EU Member States should therefore be a key priority** particularly in Member States where the recycling targets are currently met almost entirely through the collection of industrial and commercial waste.

EUROOPEN believes it to be premature to assess the usefulness of a single target and calculation method based only on the quantity of municipal waste collected. This would indeed require that **a consistent definition of municipal waste is used in all Member States**. It has proven difficult in the past to find agreement among Member States on a common definition of municipal waste, e.g. Austria and Germany use a very broad definition. Municipal waste is a broader category than household waste, and therefore puts less onus on packaging to help meet these broad targets. It will therefore also **depend how the packaging recovery and recycling targets in the Packaging & Packaging Waste Directive (PPWD) will be revised**.

**EUROOPEN would favour a more harmonized definition for municipal waste**, if indeed it will lead to increased collection as well as more recovery and recycling of packaging waste, to meet the current and future targets in the PPWD.

EUROOPEN will provide further input to the question on a single methodology under the PPWD section, where it is more relevant

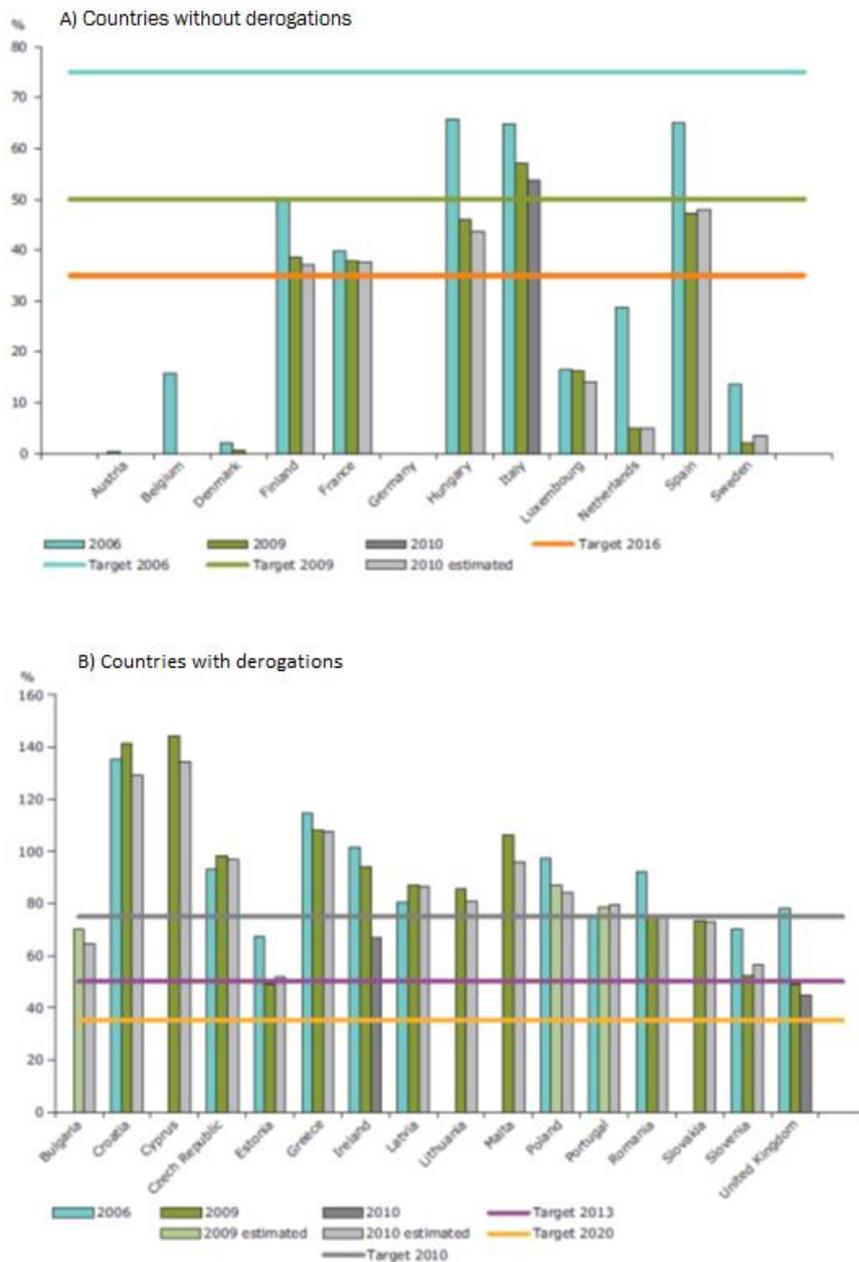
#### 4.0 Landfill Directive

The relevant targets under Article 5.2 of the Landfill Directive are:

- a) by 16 July 2006, biodegradable municipal waste going to landfills must be reduced to 75 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available;
- b) by 16 July 2009, biodegradable municipal waste going to landfills must be reduced to 50 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available; and
- c) by 16 July 2016, biodegradable waste going to landfills must be reduced to 35% of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data are available.

Note that some Member States have been allowed an additional four years to comply in cases where they were landfilling more than 85% of their waste in 1995. Performance against the targets is shown in Figure 2 for countries without such derogations, and those eligible for derogations, respectively. The Figure shows that of those countries without derogations, only Italy appears to have failed to meet the 2009 target. Of those countries with derogations, Cyprus, Czech Republic, Greece, Latvia, Lithuania, Malta, Poland and Portugal are shown to be landfilling more than the Directive allows (Croatia has a derogation from the first target to 2013). It should be noted, however, that for the last five of these countries the performance against the target has been based on an estimate.

Figure 2: Percentage of biodegradable municipal waste landfilled in 2006, 2009 and 2010 compared with the amount generated in 1995: A) countries without derogations; and B) countries with derogations



Notes: Graph A) 2010 data estimated for all countries by Italy. Graph B) 2009 data are estimated for Bulgaria, Poland and Portugal. The 2010 data are estimated for all countries but Ireland and the United Kingdom. Diverting derogations: Ireland: derogation only for the 2006 and 2009 targets, to be met by 2010 and 2013. Portugal:

derogation only for the 2009 and 2016 targets, to be met in 2013 and 2020. Slovenia: derogation only for the 2016 target, to be met by 2020. Croatia must meet the targets by 2013, 2016, and 2020.

Source: European Environment Agency (2013) *Managing Municipal Waste – A Review of Achievements in 32 European Countries*, EEA Report No 2 / 2013, Luxembourg: Publications Office of the European Union, 2013.

**QUESTION: Do you want to respond to the questions on the Landfill Directive? If you select "No" you can move on to the next section of the consultation which deals with the Packaging and Packaging Waste Directive. If you select "Yes" the questions relating to the Landfill Directive will open up below.**

[Yes/No]

#### 4.1 Key Issues

A number of key issues have been identified in relation to the above targets. These issues are presented, in no particular order, below:

1. The targets set out in Article 5(2) of the Landfill Directive are more difficult to meet for countries where consumer consumption was low in 1995, but has subsequently grown rapidly (resulting in increasing waste arisings). Countries which already had high levels of consumption in 1995 and whose economic growth has been slower are likely to find it much easier to meet the targets.
2. Targets do not have the same effect across all countries since the term 'municipal waste' is applied differently across Member States.
3. The landfill diversion targets may lead countries simply to switch from landfilling large proportions of waste to treating large amounts of waste through incineration or mechanical biological treatment (MBT), so there is no guarantee of a significant move up the waste hierarchy.
4. Reporting against the Article 5(2) targets is not very accurate. This is because the target relates to a group of wastes (that is, biodegradable wastes) which, in order to be measured, requires reliable figures on the composition of municipal waste, or of landfilled municipal waste. This information is often not available within many Member States, and where it is, it is often out of date.
5. The Directive does not define how waste categories such as 'bio-plastics', 'textiles', or 'fines', which are frequently found in composition analyses, should be defined in terms of biodegradability.
6. The reference date of 1995 effectively sets a reference point for which data are not well known in many instances, as many countries had no reliable data on waste composition available at that time. This is a greater problem for new Member States.
7. Countries have adopted different approaches to the assessment of when waste is deemed to be 'no longer biodegradable' (for example, using fermentability measurements, or thresholds, and using different test methods or hurdle values). This leads to different costs for pre-treating biodegradable wastes in different countries (it is important to note that this is not the acceptance criteria).
8. Too much waste is still landfilled and more needs to be done to limit the disposal of material which could otherwise be put to a useful purpose.

**QUESTION: Are there any issues related to the targets in the Landfill Directive which you feel are important and should be added to those listed above? If so, please describe up to three additional issues in the text boxes below (please ensure that you only enter one clearly defined issue per box). Please note that these issues should be associated with the existing targets, not with other issues related to the general state of waste management.**

##### 1. Additional issue

Some member states are lacking the provision of suitable, protected and approved sanitary landfill sites. In addition there is too little or absence of appropriate recovery and recycling infrastructure in place at Member State level, to allow complying with existing landfill diversion targets. For instance, the UK, Greece and the new

EU10 Member States, have all received a four-year derogation for each of the biowaste diversion targets to landfill<sup>1</sup>.

## 4.2 Suggestions for Revision

A number of suggested options for change to the Landfill Directive targets are listed below, in no particular order. If you feel that there are possible solutions which are missing from the list, and which you feel should be given careful consideration, you may identify up to three additional solutions which you feel are important in the free text boxes below.

**QUESTION: For each solution that has been identified please give a score, on a scale of 1 to 5, to clearly demonstrate your preference for the solution proposed. For example, give a score of 1 to any options you feel are not worth further consideration and a score of 5 to options you believe are extremely good ideas and should be given serious consideration (this is not a ranking exercise so you may give the same scores to more than one option).**

1 = a = poor idea, not worth consideration

2 = b

3 = c = moderately good idea, may be worth further consideration

4 = d

5 = e = very good idea, definitely deserves further consideration

QUESTIONS	EUROPEN RATING
1. Revise the targets so that they are set in such a way that they do not penalise countries whose economies are growing faster after starting from a lower base.	<b>c</b>
2. Establish a legal obligation for reporting on 'municipal waste' and enforcing the use of a single definition of the term by all Member States.	<b>c</b>
3. Standardise the approach to performance measurement and progress reporting.	<b>c</b>
4. In Member States where no data exists for 1995, a more recent baseline year should be set with targets adjusted accordingly.	<b>e</b>
5. Clarify when treated waste should be considered 'no longer biodegradable' from the perspective of the Landfill Directive.	<b>c</b>
6. Further tighten existing targets (e.g. move progressively towards zero biodegradable municipal waste sent to landfill).	<b>c</b>
7. Progressively include all biodegradable wastes (not just biodegradable wastes of municipal origin) within targets similar to the existing ones.	<b>N/A</b>
8. Introduce targets for the progressive reduction in the quantity of residual waste irrespective of how it is subsequently managed (whether it is sent to incineration, MBT or landfill, or any other residual waste management method).	<b>b</b>
9. Define 'pre-treatment' in an unambiguous manner so that the ban on landfilling waste that is not pre-treated is applied equally across all countries.	<b>c</b>

<sup>1</sup> <http://ec.europa.eu/environment/waste/compost/>

**QUESTION:** *Are there any other proposals in addition to the above that you feel deserve serious consideration? If so, please describe up to three additional solutions in the text boxes below (as in the list above, please ensure that you only enter one clearly defined solution per box). Please note that these issues should be associated with the existing targets, not with other issues related to the general state of waste management.*

***Additional issue?***

**Input to suggestion 6, 8 and 9**

In principle, EUROOPEN would acknowledge the benefits of EU measures to divert valuable material from landfills for recycling or energy recovery, provided that there is integrated waste management planning in Member States to ensure that appropriate waste treatment facilities and capacities are located where they are needed. This caveat is also valid for a potential progressive reduction in the quantity of residual waste, which we support if appropriate waste management infrastructure is in place to divert the residual waste from landfill.

EUROOPEN would favour a more harmonised definition for 'pre-treatment', if indeed it will not jeopardise collection as well as recovery and recycling of packaging waste, to meet the current and future targets in the PPWD.

## 5.0 Packaging and Packaging Waste Directive

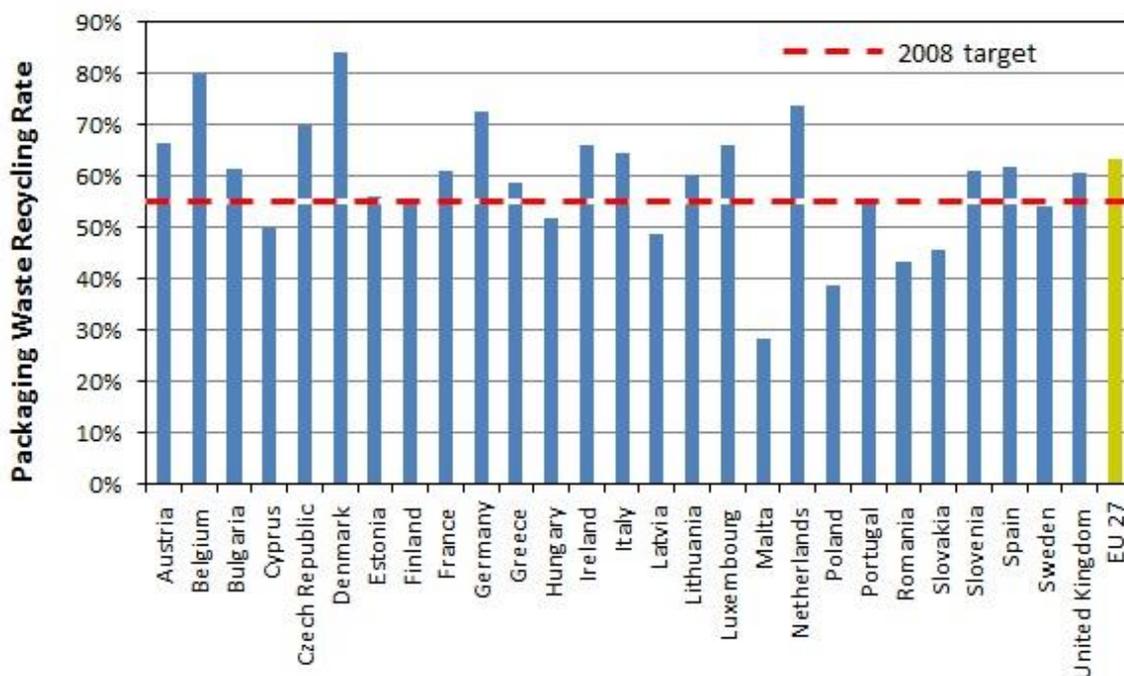
As a reminder, the key targets contained in Article 6(1) of the Packaging and Packaging Waste Directive are currently:

- Article 6(1)b: no later than 31 December 2008 60 % as a minimum by weight of packaging waste will be recovered or incinerated at waste incineration plants with energy recovery;
- Article 6(1)d: no later than 31 December 2008 between 55 % as a minimum and 80 % as a maximum by weight of packaging waste will be recycled;
- Article 6(1)e: no later than 31 December 2008 the following minimum recycling targets for materials contained in packaging waste will be attained:
  - (i) 60 % by weight for glass;
  - (ii) 60 % by weight for paper and board;
  - (iii) 50 % by weight for metals;
  - (iv) 22.5 % by weight for plastics, counting exclusively material that is recycled back into plastics;
  - (v) 15 % by weight for wood.

It's worth noting that the 12 new Member States have derogations from the dates set out here, giving them more time to comply (the relevant years are between 2012 and 2015). In addition to the above, Article 9 of the Directive sets out *essential requirements* to promote the fitness for purpose of packaging, as well as its reusability and recoverability (notably, its recyclability). No specific targets are set, however, in Article 9.

The Graphic below shows how the different Member States fared against the 2008 target for recycling (55%) in the year 2010, according to data reported to Eurostat. The Table indicates considerable variation in reported performance levels. It should be noted that all countries who reported a recycling rate below 55%, with the exception of Sweden, are entitled to a derogation and so would not have had to meet the target at this time.

Figure 3: Reported Performance of Member States, Recycling of Packaging Waste (2010 Data)



Note, the dashed line indicates the 55% target for 2008, or later years in the case of the newer Member States - Source: Eurostat

**QUESTION: Do you want to respond to the questions on the Packaging and Packaging Waste Directive? If you select "No" you can move on to the next section of the consultation which deals with the Roadmap to a Resource Efficient Europe. If you select "Yes" the questions relating to the Packaging and Packaging Waste Directive will open up below.**

[Yes/No]

## 5.1 Key Issues

A number of key issues have been identified in relation to the above targets. These issues are listed, in no particular order, below. Please note that matters related to the Essential Requirements and eco-design are being considered under a separate study.

1. There are significant differences in the way Member States report on the Article 6(1) targets. For example:
  - a. Three different calculation methods are officially recognised by the Commission for calculating the amount of packaging placed on the market;
  - b. The point at which materials are considered to have been recycled varies between Member States (e.g. some Member States report on the quantity of material collected, while others report the actual quantity of material reprocessed);
  - c. Where countries export materials for recycling, it is more difficult to report the actual quantity of material that is ultimately recycled;
  - d. The basis for assessing the quantity of packaging material being recycled is often very difficult because packaging and non-packaging fractions of a given material may be collected, or subsequently mixed, together (necessitating the use of estimation methods of varying quality);
  - e. Assumptions regarding the way recycling and recovery are reported for metals varies across countries (e.g. Member States take different approaches, and use different assumptions, for estimating recycling rates from incinerator bottom ash/MBT plants, while others do not take this source of metal packaging into account); and
  - f. The definition of 'recycling' blurs into 'recovery' in some Member States.

All of these factors have consequences in terms of how easy or difficult it is for Member States to fulfil the Directive targets. It also affects the comparability of the performance data.

2. Some Member States have established minimum thresholds below which producers have no reporting and/or recycling obligation. These de-minimis thresholds are based on the quantity of packaging material placed on the market by producers. Differences in these thresholds mean that estimates of how much packaging is placed on the market vary in accuracy.
3. Based on the current targets in the Packaging Directive, Member States that reuse packaging materials gain no recognition for this. Indeed, using more reusable packaging, in order to comply with the waste hierarchy, makes it more difficult for Member States to achieve the recycling targets.
4. There is an overlap between the Waste Framework Directive recycling target for municipal waste and the targets of the Packaging Directive.
5. 'Down-cycling' is a widely reported problem in the recycling of packaging waste (the focus appears to be on quantity recycled rather than the quality of the materials being recycled).
6. There is no strong basis for the different recycling rates that have been set for glass, paper/ board, metals, plastics, and wood in Article 6(1)e of the Packaging Directive. These weight based targets do not have an environmental basis and are therefore not in alignment with the Resource Efficiency Roadmap and Raw Materials Initiative.
7. The different material recycling targets set out in Article 6(1)e mean that there is no level playing field across all materials (e.g. the recycling target for glass is much higher than that for plastics).

8. Article 6(1)d of the Packaging Directive sets a maximum limit of 80% on the amount of packaging waste a Member States can recycle. Such a limitation does not seem well-aligned with the aspirations to improve resource efficiency within the EU.<sup>2</sup>
9. According to reported data (see above), many Member States have already met and exceeded the recycling targets set out in the Packaging Directive.
10. Several countries focus on recovering packaging waste from commerce and industry with limited recovery of packaging waste from households.
11. The share of the overall cost of recycling which is met by 'producers' varies hugely across countries (from close to 0% to 100%).
12. There are some inconsistencies across Member States in how composite materials are treated under the Directive.

**QUESTION: Are there any issues related to the existing targets which you feel are important and should be added to those listed above? If so, please describe up to three additional issues in the text boxes below (please ensure that you only enter one clearly defined issue per box). Please note that these issues should be associated with the existing targets, not with other issues related to the general state of, for example, markets for the materials packaging waste recycling.**

## **EUROPEN input**

### **1. Additional issue**

There are wide variations in recycling performances across the EU due to **differences in Member States' interpretations of definitions, waste legislation and its enforcement, waste management and recycling infrastructure and consumption rates**. Therefore it is not feasible for all Member States to meet the same recycling targets, even with different deadlines.

### **2. Additional issue**

As indicated in the Commission's Roadmap for a Resource Efficient Europe, a critical step for transitioning towards a circular economy is ensuring the full implementation of existing EU waste legislation, including the WFD and PPWD. In this respect, it will be critical to expand and improve Extended Producer Responsibility schemes in light of good practices, as recommended by the European Resource Efficiency Platform.

The Eunomia questionnaire acknowledges that many Member States have already met or exceeded the recycling targets set out in the Packaging and Packaging Waste Directive (PPWD). Extended Producer Responsibility (EPR) compliance schemes set up by industry have been instrumental in achieving this. They have proven successful in driving recovery and recycling rates for packaging waste across Member States and have enabled the recovery and recycling targets laid down in the PPWD to be met or in many cases exceeded. In this regard, **EUROPEN considers the PPWD an appropriate and effective legislative framework for driving recovery and recycling of all packaging waste.**

EUROPEN would also like to highlight industry efforts in organising separate collection systems for packaging waste in Member States. Since the introduction of the PPWD in the 1990's, a growing number of competing EPR schemes have been set up at national level for managing waste from all packaging materials. These systems vary according to local conditions. Today there are multiple packaging EPR schemes competing with each other within one country.

**EUROPEN members' experience indicates that there is no legal framework to ensure a level playing field for the operation of all existing competing schemes.** Specific concerns related to this include a **lack of clarity on how to apply EPR requirements and lack of clear definitions for EPR**, in particular with regard to

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<sup>2</sup> Article 6(1)d states that: 'no later than 31 December 2008 between 55 % as a minimum and 80 % as a maximum by weight of packaging waste will be recycled.'

responsibilities. In addition, there are large differences between Member States in terms of the types of packaging covered, cost efficiency (in terms of the fee paid and extent to which costs are covered by those fees), the control and transparency of systems and the role of municipalities/producers. **The uncertainty created may compromise the achievement of some of the existing and revised targets in the PPWD.** Therefore, there is a need for corrective legal measures at EU level to keep competition fair among existing EPR schemes and between producers/obliged industry<sup>3</sup>. Any measure for packaging taken by public authorities should not hinder innovation or the free movement of packaged goods throughout the EU.

**In particular, EUROOPEN supports in the PPWD:**

- **The introduction of minimum requirements** (e.g. geographic scope, types of packaging material covered, transparency on material flows, cost and tendering procedures) for all national packaging waste EPR schemes and establishment, by Member States, of approval procedures for packaging collection and EPR schemes. This will ensure minimum operational performance and a level playing field between competing EPR schemes which in turn will secure the efficient collection of post-consumer packaging<sup>4</sup> needed to meet the recycling and recovery targets in the PPWD.
- EUROOPEN encourages measures that drive separate household and out-of-home post-consumer packaging collection for recycling and/or energy recovery, which will help meet the targets. In this respect, consideration should be given to household and out-of-home **post-consumer packaging recovery<sup>5</sup> targets (e.g. for recycling or energy recovery)**.
- **Changes by clarification of definitions** of key terms like consumer packaging, separate collection, recovery, recycling, 'obliged industry', 'obliged packaging' would help meeting targets.
- **The introduction of a provision which clearly assigns roles and responsibilities** to Member States and economic operators.
- **The introduction of a requirement for Member States to allow obliged industry to choose how they wish to fulfil their legal obligations and to control costs.**

See further explanations in EUROOPEN input under section 5.2 (suggestion 6). In addition, a separate EUROOPEN position paper on EPR for post-consumer packaging will be available soon.

### **3. Additional issue**

The **current economic crisis is hampering investments in waste management infrastructure** which impact meeting the recycling targets. This situation leads to export of recyclables to third country recyclers.

The EU must also ensure strict preconditions for **appropriate allocations of structural funds for waste management infrastructure and separate collection.**

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<sup>3</sup> Obligated industry refers to the groups of companies covered under EPR regulation. Definitions differ between Member States (ranging from packaging manufacturers, producers and importers of packaged goods, retailers to only producers and importers of packaged goods).

<sup>4</sup> Primary and secondary packaging generated by households, away-from-home and at closed surroundings (e.g. small businesses, bars, restaurants, public events, schools) insofar as the type of packaging/volumes consumed are similar to households.

<sup>5</sup> Any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy (EU Waste Framework Directive).

## 5.2 Suggestions for Revision

A number of suggested options for change to the Packaging Directive targets are listed below, in no particular order. Please note, once again, that matters related to the Essential Requirements and eco-design are being considered under a separate study. If you feel that there are possible solutions which are missing from the list, and which you feel should be given careful consideration, you may identify up to three additional solutions which you feel are important in the free text boxes below.

**QUESTION: For each solution that has been identified please give a score, on a scale of 1 to 5, to clearly demonstrate your preference for the solution proposed. For example, give a score of 1 to any options you feel are not worth further consideration and a score of 5 to options you believe are extremely good ideas and should be given serious consideration (this is not a ranking exercise so you may give the same scores to more than one option).**

1 = a = poor idea, not worth consideration

2 = b

3 = c = moderately good idea, may be worth further consideration

4 = d

5 = e = very good idea, definitely deserves further consideration

QUESTIONS	EUROPEN RATING
1. The methodology for calculating recycling rates should be standardised so that data (and hence performance levels) are comparable across Member States.	e
2. Remove from the Packaging Directive the target for packaging waste from municipal sources and include it into the Waste Framework Directive to ensure full consistency with the existing target on municipal waste recycling.	a
3. Bring the recycling targets for different materials closer together to ensure a more level playing field.	c
4. Incorporate "weightings" for materials recycled based on environmental benefits derived from recycling the material.	a
5. The targets for some packaging materials could be subdivided into subcategories; for example, metals could be divided into non-ferrous and ferrous metals. The same could apply for plastic; for example, separate targets could be set for PET, LDPE, and HDPE.	a
6. Set specific targets for recycling of packaging waste from households to encourage further recycling of household packaging.	e
7. Remove from the Directive the maximum limit of 80% that stipulates how much packaging waste a Member State is allowed to recycle.	e
8. Introduce a target for prevention of packaging waste.	a
9. Adjust the definitions for reuse and recycling in the Packaging Directive to be consistent with those contained in the Waste Framework Directive.	a
10. Expand the recycling target to include reuse, by allowing the reuse of packaging to be credited to the recycling target.	a
11. Introduce targets for reuse for commercial transit packaging.	a
12. Introduce targets for reuse for all packaging.	a

**QUESTION: Are there any other proposals in addition to the above that you feel deserve serious consideration? If so, please describe up to three additional solutions in the text boxes below (as in the list above, please ensure that you only enter one clearly defined solution per box). Please only include options which you strongly favour.**

EUROPEN input to suggestion 1

**EUROPEN believes that reporting should be based on standardised definitions and calculation methodologies.** This would add to the security of data and enhance the comparability of Member States' performances, reducing the risk of distortions when Member States are called on to establish national targets and requirements for meeting them.

We would add that in giving Member States four choices as to how they define the Waste Framework Directive's target of preparing for reuse or recycling 50% of household waste by 2020, Commission Decision 2011/753/EU is extremely unhelpful. The option chosen will have a major influence on the extent to which that target impacts on the management of post-consumer packaging.

EUROPEN input to suggestion 2

EUROPEN supports the Packaging and Packaging Waste Directive (PPWD) as an appropriate and effective legislative framework for driving the recovery and recycling of all packaging waste. **Removing the targets for packaging waste from the Directive and including them into the Waste Framework Directive (WFD) would remove the legal obligation to collect packaging. For this reason EUROPEN strongly disagrees with suggestion 2.**

**EUROPEN believes that packaging requires a separate regulatory approach due to its inherent characteristics (volume, consumer visibility, recycling value and market structure), but also due to the fact that packaging is a product facilitator, i.e. part of the product.** In addition, as the PPWD and the WFD use the same definitions, having two separate legal texts does not present a problem; in fact it makes the amendment process less cumbersome. **The PPWD is also a fundamental tool for safeguarding the free movement of packaged products, which is key for ensuring the effective functioning of the Single Market.** In this regard, the review of the PPWD is an opportunity for identifying the needs and conditions required for promoting a robust packaging waste management culture and infrastructure in those countries that are lagging behind.

EUROPEN input to suggestion 4

EUROPEN strongly opposes incorporate "weightings" for materials recycled based on environmental benefits derived from recycling the material. **Environmental weightings require subjective judgements in LCAs and carry a high risk of unfair discrimination.** Environmental benefits will depend on the source of the packaging which gets recycled (e.g. produced in plants powered by hydro, nuclear or fossil fuels), the country-specific resources available for collection and reprocessing, and the availability of end-use markets.

Incorporating weightings for materials recycled would create categories for 'good' and 'bad' materials. It also creates a risk that packaging would be assessed in isolation from the product it contains which can ultimately result in product loss. (Food) packaging has to fulfil its function which is to protect food/the product and prevent waste.

In practice, it is probable that if weightings are set at national level, some Member States will "borrow" data from others (just as Belgium's proposed packaging eco-tax was to be based on Danish weightings), or one-size-fits-all average conversion factors will be set at EU level.

Where recycled materials are used as a direct substitute for virgin material in new packaging, weight remains indeed a good measure.

EUROPEN input to suggestion 5

**Further differentiation into material sub-category targets at EU level may not be the prime need/priority given the above (Q4).** Disaggregation would add to the cost of data collection and would reduce the accuracy of the data. It would add an unnecessary level of complexity and costs, difficult for Member States to manage. **The more the targets are subdivided, the more expensive it will be to meet them, and the more expensive**

**appropriate monitoring, data collection and enforcement will be.** It would also run counter to the intended greater harmonisation of existing monitoring of data. There is also a question of consumer convenience, for example should consumers separate all the different plastic materials?

EUROPEN input to Suggestion 6

EUROPEN welcomes this suggestion. **EUROPEN supports measures that drive separate post-consumer packaging collection for recycling and/or energy recovery from both household and out-of-home waste.** This will undoubtedly contribute to meeting the targets. EUROPEN also supports instruments which encourage consumers to directly sort their packaging for separate collection, which can then be used as a secondary material. Consideration could be given to household and out-of-home post-consumer packaging recovery targets (e.g. for recycling or energy recovery).

However, in this respect, EUROPEN would like to express some **caveats**:

- The WFD sets requirements for separate collection of paper, metal, plastics and glass by 2015. This will have to be implemented in all Member States if the preparing for re-use and recycling target (min 50%) is to be met by 2020. Therefore **full implementation and enforcement** in all EU Member States **of both the WFD and the PPWD** should be a key priority for the Commission. This is particularly important in Member States where the recycling targets are currently met almost entirely through the collection of industrial and commercial packaging waste.
- A prerequisite to the introduction of household and out-of-home post-consumer packaging recycling and recovery targets should be part of the Commission’s **ex-ante impact assessment**, to better understand how existing targets and their reporting would be affected.
- **Measures for packaging recycling should not hinder innovation and the free movement of packaged goods throughout the EU.**
- **EUROPEN is keen to see an increase in the collection and recycling/recovery of packaging used in households and away-from-home, to the extent that this can be done without incurring disproportionate cost or resulting in a lower net environmental performance.**

EUROPEN input to suggestion 9

This question relates to both the recycling and reuse definition, which has therefore lead to EUROPEN’s overall negative response. While **EUROPEN is supportive to harmonise the recycling and recovery definitions in the WFD and the PPWD, it cannot support harmonisation of the reuse definitions.** The WFD’s definition is appropriate for durable products such as electronic equipment or furniture which can be reused after refurbishment – which is why the WFD refers to “preparation for reuse”. The ‘reuse’ definition in the PPWD needs to be more restrictive as it requires the distinction between packaging which is specifically designed for reuse and packaging which is not designed for reuse (e.g. because it has contained liquids under pressure and may explode if the bottle is not strong enough for reuse and has not been washed to professional standards).

*The Commission is keen to encourage higher rates of recycling. It recognises, however, the need to maintain the quality of recycled material so that it can be used profitably and with losses kept to a minimum between the collection and recycling stages. Keeping in mind the need to maintain quality, please select from the dropdown lists below the highest level of recycling that you believe could reasonably be achieved for each of the materials. Below you will be asked the year by which you believe these targets could realistically be achieved (i.e. between 2020 and 2025).*

*Too early to discuss at what level recycling targets should be set. It is important to know what the conditions will be for industry to be able to meet legal targets e.g. will the PPWD include minimum requirements for compliance schemes and clearly define industry and municipality roles and responsibilities in a way that industry controls what it pays for.*

<b>Paper and cardboard</b>	<b>Glass</b>	<b>Metals</b>	<b>Plastic</b>	<b>Wood</b>	<b>All Packaging</b>	<b>Other Material (please</b>
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						specify)
60%	60%	50%	22.5%	15%	55%	15%
65%	65%	55%	25%	20%	60%	20%
70%	70%	60%	30%	25%	65%	22.5%
75%	75%	65%	35%	30%	70%	25%
80%	80%	70%	40%	35%	75%	30%
85%	85%	75%	45%	40%	80%	35%
90%	90%	80%	50%	45%	85%	40%
>90%	>90%	85%	55%	50%	90%	45%
		90%	60%	55%	>90%	50%
		>90%	65%	60%		55%
			70%	65%		60%
			75%	70%		65%
			80%	75%		70%
			85%	80%		75%
			90%	85%		80%
			>90%	90%		85%
				>90%		90%
				>90%		

*Please indicate the year by which you think it would be possible to achieve the recycling rates that you have defined for each of the materials listed above.*

EUROPEN: n/a (leave blank) (see above comment)

Paper and cardboard	Glass	Metals	Plastic	Wood	All Packaging	Other Material (as defined above)
2020	2020	2020	2020	2020	2020	2020
2021	2021	2021	2021	2021	2021	2021
2022	2022	2022	2022	2022	2022	2022
2023	2023	2023	2023	2023	2023	2023
2024	2024	2024	2024	2024	2024	2024
2025	2025	2025	2025	2025	2025	2025

## 6.0 Roadmap to a Resource Efficient Europe

In order to contribute to the development of resource efficiency within Europe the Commission has adopted aspirational targets for waste prevention and management in the [Roadmap to a Resource Efficient Europe](#) (the

Roadmap). These aspirational targets were proposed in the Commission’s proposal for a 7<sup>th</sup> Environmental Action Plan. In the Roadmap, the following aspirations are included within the overall Milestone for 2020:

1. Waste generated per capita is in absolute decline;
2. More materials, including materials having a significant impact on the environment and critical raw materials, are recycled;
3. Reuse and recycling are economically attractive options, with more material recycled and high quality recycling ensured;
4. Energy recovery is limited to non-recyclable materials (compostable materials are also considered to be recyclable); and
5. Landfilling is virtually eliminated.

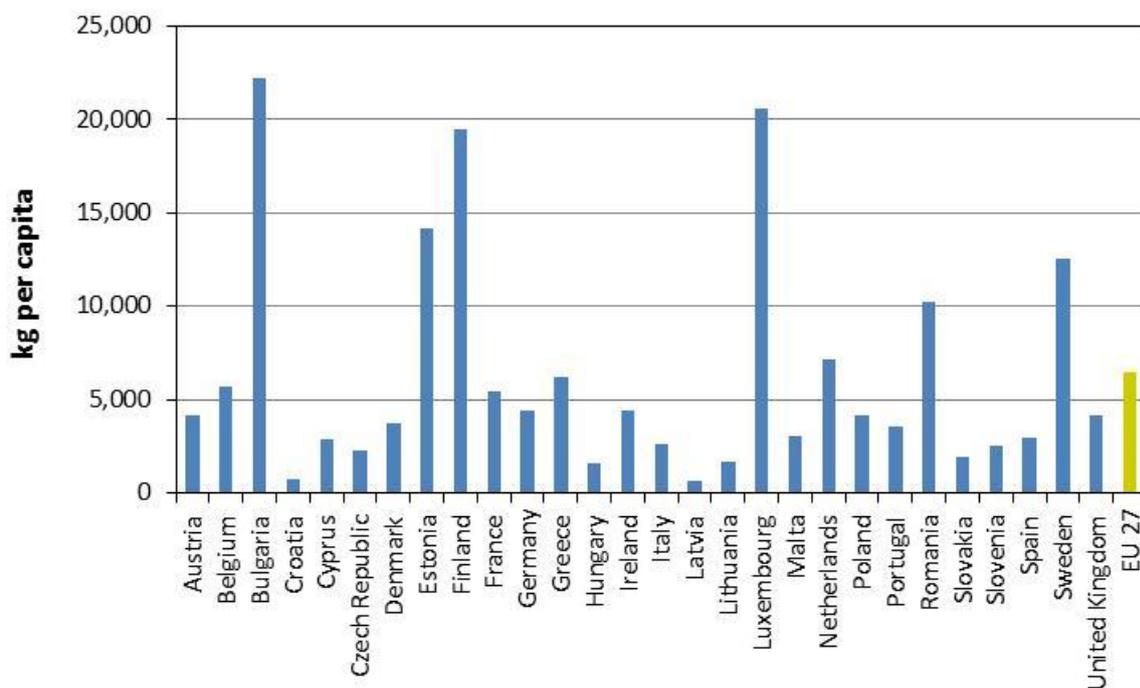
This section includes questions on the application of the Roadmap on Resource Efficiency and its relation to the evolution of the main targets contained in legislation. In the sections below, questions will be asked on the application of the existing targets.

## 6.1 Waste Prevention

Setting targets for waste prevention across countries with different levels of per capita income, and with quite different industrial structures, is not straightforward. The difference in industrial structures makes it extremely difficult to set targets which present an equal challenge for different countries. Figure 4 shows how much the figures for waste per inhabitant vary across countries. Ideally, it might be possible to set targets at a sectoral level, but this may pose challenges in terms of data quality.

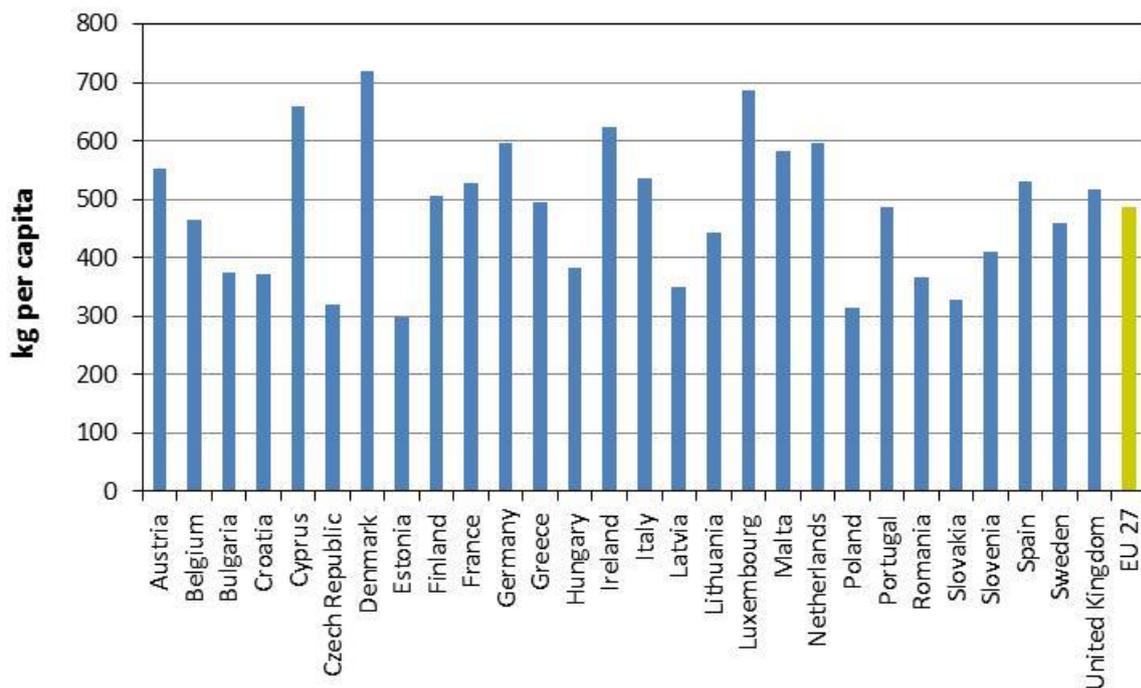
For municipal waste, the widely varying per capita income levels mean that when targeting household, or municipal wastes for waste prevention one would need to be sensitive to these variations (which are already reflected in different rates of per capita waste generation – see Figure 5 below). Finally, since waste generation is affected by the state of the economy, in order to clearly isolate the effects of waste prevention activity, targets should ideally highlight the effects of waste prevention rather than the impact of changes in economic conditions (otherwise, ‘waste prevention’ may actually reflect depressed economic conditions). In principle, this is what is referred to in Article 9 (c) of the Waste Framework Directive, which suggests that where appropriate, by the end of 2014, waste prevention and decoupling objectives for 2020 may be established.

Figure 4: Total Waste Generated per Capita (2010 Data)



Source: Eurostat

Figure 5: Municipal Waste Generated per Capita (2011 Data)



Source: Eurostat

**QUESTION: Do you agree with the principle that there should be targets for waste prevention?**

[No / Yes]

**QUESTION: Do you think there is a case for setting prevention targets on specific waste streams/materials? If so, which waste streams/materials do you feel should be covered by new targets and why? Please provide an answer for each material/waste stream in the free text boxes below.**

No

Waste Stream/Material/Product	Reason for New Targets
A	A
B	B
C	C
D	D

**For each solution that has been identified please give a score, on a scale of 1 to 5, to clearly demonstrate your preference for the solution proposed. For example, give a score of 1 to any options you feel are not worth further consideration and a score of 5 to options you believe are extremely good ideas and should be given serious consideration (this is not a ranking exercise so you may give the same scores to more than one option).**

- 1 = a = poor idea, not worth consideration  
 2 = b  
 3 = c = moderately good idea, may be worth further consideration  
 4 = d  
 5 = e = very good idea, definitely deserves further consideration

QUESTIONS	EUROPEN RATING
1. In line with the proposal in the Roadmap, a requirement that waste generated per capita is in decline by 2020.	a
2. Targets for decoupling of municipal waste from economic growth in line with Article 9(c) of the Waste Framework Directive. For example, the difference between the annual change in municipal waste per capita (X%) and the annual change in GDP per capita (Y%) should demonstrate a decoupling tendency such that over comparable (e.g. four year) periods, the value of (Y – X) is increasing in value.	b
3. Consistent reporting of household waste arising across Member States would act to produce a level playing field for setting absolute targets on waste prevention (e.g. no greater than X kg per household per year). The targets could exhibit a declining trend over time.	a
4. New requirements could be set on Member States to incrementally increase the number of prevention measures in place, and the overall coverage of these measures. For example, the number of households who have signed up to say “no” to unwanted mail, or the number of households covered by measures to reduce food wastage.	a
5. Introduce requirements for progressive coverage of households by pay-as-you throw schemes.	e

## 6.2 Preparation for Reuse

The Commission recognises the contribution to resource efficiency that can be made through preparation for reuse. In principle, there are a range of wastes which could be targets for preparation for re-use, notably **furniture and WEEE**. However, setting targets for preparation for reuse for such materials is not considered to be straightforward: the quantities are not generally well known across Member States, and the proportion of what is discarded that can be sorted and repaired may vary across countries.

**QUESTION: Do you agree with the principle that there should be separate targets for preparation for reuse?**

[Yes / No]

**Not relevant as for furniture and WEEE**

**QUESTION: Do you think there is a case for targets for preparation for reuse on specific waste streams/materials/products? If so, which waste streams/materials/products do you feel should be covered by a target, and how should the target be specified? Please provide and answer for each material/waste stream in the free text boxes below.**

[Yes / No]

Waste Stream/Material/Product	How Should the Target be Specified?
A	A
B	B
C	C
D	D

### 6.3 Recycling Rates

The European Commission is keen to see that more materials are recycled, especially critical raw materials and other those that have a significant impact on the environment.

**QUESTION: Do you agree with the view that recycling rates should be increased and /or made to include more materials/waste streams?**

[Yes / No]

EUROPEN supports ambitious waste policies for the effective waste management of packaging materials. The 2004 review of the Packaging and Packaging Waste Directive (PPWD) led to the adoption of new targets for the recovery and recycling of used packaging. While considerable progress has been made in achieving those targets, performance among Member States varies greatly. Efforts should therefore focus on incentivising Member States to reach levels of recovery and recycling matching those seen today in the highest-performing Member States. For this reason, **EUROPEN would suggest considering targets that are achievable for all which may require setting different targets for different groups of Member States.** In this respect, it would be useful to consider different scenarios to assess environmental and economic costs and benefits.

Thus, EUROPEN is strongly in favour of clustering Member States for the purposes of setting recycling and recovery targets to reflect the differences in waste management and recycling performances and to ensure that targets set are achievable. This approach would indeed allow a greater level of resource efficiency.

In addition, EUROPEN calls for a specific post-consumer packaging recovery target (e.g. for recycling or energy recovery) in the PPWD to incentivise collection and recycling/recovery of post-consumer packaging<sup>6</sup>.

Post-consumer packaging is distinguished by two important characteristics. It generally represents the largest amount of all packaging. It is also the fraction that typically the most difficult to collect, because it is generated in relatively small quantities in a large amount of households.

**QUESTION: Please tick the boxes which you believe represent the highest level of recycling that could reasonably be obtained for each of the listed waste streams by 2025. Please note that you should answer this question based on a view as to what can be achieved for the whole waste stream. Please also note that you do not have to give an answer in each column if you feel you lack the knowledge to do so.**

Household	Municipal Waste	Commercial	Industrial Waste	Construction & Demolition
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<sup>6</sup> Primary and secondary packaging generated by households, away-from-home and at closed surroundings (e.g. small businesses, bars, restaurants, public events, schools) insofar as the type of packaging/volumes consumed are similar to households.

Waste		Waste		Waste
50%	50%	50%	50%	50%
55%	55%	55%	55%	55%
60%	60%	60%	60%	60%
65%	65%	65%	65%	65%
70%	70%	70%	70%	70%
75%	75%	75%	75%	75%
80%	80%	80%	80%	80%
85%	85%	85%	85%	85%
90% or more				

**QUESTION:** *In order to take into account the large differences between Member States' current recycling levels, would you agree that an approach which sets targets relative to the existing situation in each Member State (for instance increase of recycling rates by X% per year) is appropriate?*

EUROPEN: [Yes/No]

*So far only municipal waste and construction and demolition waste are covered by specific recycling targets in the Waste Framework Directive, whilst other Directives cover packaging, WEEE, ELVs and batteries. Do you think there is a case for setting recycling targets on waste streams/materials/products that are not already covered by targets in existing Directives? If so, which waste streams / materials / products do you feel should be covered by new targets and why?*

Waste Stream /Material/Product	Reason for New Targets
A target for post-consumer packaging waste from households and out-of-home consumption	See EUROPEN input to section 3.2
B	B
C	C
D	D

#### 6.4 Limiting Incineration of Waste Which Might Otherwise be Recycled

As stated above the Roadmap aims to ensure that energy recovery is limited to non-recyclable materials.

**QUESTION:** *Do you agree with the view that a maximum level should be set for the amount of waste that can be incinerated for different waste streams (e.g. household waste and/or commercial waste)?*

EUROPEN: N/A (leave blank)

*We already have high recycling targets for packaging, which limits the extent to which incineration can be used. Incineration bans, like landfill bans, may be appropriate for certain types or all types of packaging in some Member States, but this depends on the nature of the national infrastructure and should be left to each Member State to decide for itself.*

**QUESTION: Would you support the implementation of a maximum level for the amount of waste that could be incinerated as applied to one or more of the following:**

EUROPEN: N/A (leave blank)

- Household/municipal waste [Yes/No]
- Commercial waste [Yes/No]
- Industrial waste [Yes/No]
- Construction and demolition waste [Yes/No]

**QUESTION: Other than the above waste streams are there any other to which you think a maximum level of incineration should apply? If so, please specify:**

**QUESTION: If you support the application of the concept to one or more waste streams, at what level do you believe it would be appropriate to set this for those waste streams in 2025? (Please indicate the level in the Table below) [tick box]**

Maximum incineration level	Household Waste	Municipal Waste	Commercial Waste	Industrial Waste	Construction & Demolition Waste
10%					
15%					
20%					
25%					
30%					
35%					
40%					
45%					
50%					
55%					

#### 6.4.1. Suggestions for reducing the landfilling of waste

There are a number of possible ways in which the Commission’s aspirational target that landfill should be ‘virtually eliminated’ could be implemented. Several options are defined below.

**For each solution that has been identified please give a score, on a scale of 1 to 5, to clearly demonstrate your preference for the solution proposed. For example, give a score of 1 to any options you feel are not worth further consideration and a score of 5 to options you believe are extremely good ideas and should be given serious consideration (this is not a ranking exercise so you may give the same scores to more than one option).**

- 1 = a = poor idea, not worth consideration
- 2 = b
- 3 = c = moderately good idea, may be worth further consideration
- 4 = d
- 5 = e = very good idea, definitely deserves further consideration

QUESTIONS	EUROPEN RATING
1. Landfilling should be limited to residues from a specified range (to be determined) of waste treatment operations.	c
2. Landfilling should be limited to a certain percentage of waste generated (for instance 5%) from a particular date.	a
3. Landfilling of recyclable/compostable waste (to be defined) should be banned.	c
4. Landfilling of waste that is combustible should be banned.	c
5. Landfilling of waste should be banned if it has not been pre-treated to a level where the potential to lead to methane emissions from landfills has been virtually eliminated.	c

**QUESTION:** *Are there any other proposals in addition to the above that you feel deserve serious consideration? If so, please describe up to three additional solutions in the text boxes below (as in the list above, please ensure that you only enter one clearly defined solution per box). Please only include options which you strongly favour.*

#### **EUROPEN input**

As a general observation, the reduction ambition of landfilling, e.g. by biowaste diversion targets and the other abovementioned suggestions, is a broader waste issue which **should be addressed in the WFD, rather than in the PPWD.**

However, **EUROPEN acknowledges the benefits of EU measures to divert valuable packaging material from landfills for recycling and recovery**, provided that there is integrated waste management planning in Member States to ensure that appropriate waste treatment facilities and capacities are located where needed.

**EUROPEN would support a gradual phase out of landfill as an appropriate and effective economic instrument for packaging waste management provided that adequate recycling/recovery infrastructure is available.** For instance, landfill taxes in all 28 MS could be introduced at a progressive rate with a clear commitment to a steady increase in the tax rate. This would give stakeholders a predictable timeframe and an economic incentive to adjust.

EUROPEN also wishes to highlight packaging's role in helping to prevent food to be wasted and landfilled. Packaging protects food by preventing damage, ensuring food quality and safety along the supply chain and at home. Packaging also informs consumers on how to store and use packaged food products. The Packaging supply chain continues to invest in new packaging technologies, e.g. active and intelligent packaging, which play a key role in food waste reduction, in particular at distribution and consumer level. Other examples of packaging solutions are increased shelf-life, different pack formats and portion sizes to answer to the various consumer lifestyles and demographic changes. This ultimately helps divert substantial amounts of food waste from landfilling.

**QUESTION:** *In order to take into account the large differences between Member States' current levels of landfilling, would you agree that an approach which sets targets that take account of the existing situation in each Member State is appropriate (for instance by fixing a landfilling reduction percentage per year)?*

[Yes/No]

#### **7.0 Targets as a Tool in Waste Legislation**

It is clear that the targets in existing Directives have, in most countries, led to greater attention being given to the management of waste. Most countries are fulfilling, or seem likely to fulfil, the recycling targets under the

Packaging Directive (though some are missing the recovery targets in the earlier version of the Directive). The targets under the Landfill Directive seem likely to be missed by some countries, but for many others the targets in the Directive have provided the impetus to move municipal waste out of landfill and to increasingly manage wastes as a resource. It is too early to say how Member States will fare against the existing targets set in the Waste Framework Directive but the most recent statistics clearly indicate large differences between Member States' recycling levels. There are, as yet, no targets for waste prevention at the EU level, though both the Waste Framework Directive and the Roadmap to a Resource Efficient Europe anticipate the possibility of such targets being set in future.

Earlier sections of this consultation indicate that Member State performance is still highly variable where waste management performance is concerned. In those countries where targets seem unlikely to be met, it seems fair to say that the failure can be attributed to a reluctance to implement the policy instruments which have transformed waste management practice in the more successful Member States. Key instruments in this regard are as follows:

1. Landfill taxes increase the costs of disposal, and hence, make other solutions financially more viable in comparison. The use of taxes on landfill, and the level at which they are applied, varies significantly between Member States. Some countries, recognising the desirability of recycling over incineration, have also implemented taxes on incineration to help ensure that as waste moves out of landfill it does not simply move into incineration. The use of restrictions on landfill or incineration could also help move waste away from landfill or incineration.
2. Member States have often relied upon producer responsibility schemes to ensure proper funding of separate collection and recycling of various waste streams. These schemes have been of uneven quality. The relationship with municipalities takes different forms, the transparency of the systems is not always ensured, they appear to vary considerably in their cost effectiveness and the nature of the financial set up can lead to a situation where the system deployed gravitates towards the bare minimum that needs to be done to report a successful achievement of the desired targets. In addition, the breadth of application of EPR schemes (beyond packaging, batteries, end-of-life vehicles and waste electrical and electronic equipment) varies considerably across Member States.
3. Some Regional or National authorities have set in place systems of subsidies and penalties to incentivize municipalities to make greater efforts to encourage waste prevention and to intensifying the separate collection of wastes to improve recycling.
4. There is substantial variation in the extent to which pay as you throw schemes have been implemented in Europe. As well as encouraging greater recycling, such schemes, where appropriately designed, can help prevent waste.
5. Some countries have set rules which they wish householders, companies, and other organisations to follow. The use of mandates or regulations, either requiring the sorting of waste (for example, by commercial companies) or the provision of services to enable the sorting of waste (for instance by, or on behalf of, local authorities) is uneven across Member States.
6. Some countries have made use of targets for recycling which go beyond the minimum levels specified in EU Directives. In these cases, it is not unusual for some form of incentive, or sanction, to be announced so as to make it clear that the targets are not to be ignored.

It is sometimes the case that waste management plans developed by Member States reiterate the targets set out in EU Directives, and whilst stating they will be met, they offer little by way of clearly defined measures to give reassurance in this regard. In several countries the waste management plans are established at regional or local levels without a proper consolidation of the plans at national level.

Concerns have also been expressed that EU structural or cohesion funds have tended to be overly focused on the lower tiers of the waste hierarchy. If not carefully co-ordinated, such investment may stall initiatives aimed at improving recycling rates and encouraging waste prevention. This issue has been recently addressed with the [new regulation on the use of regional funds](#) and the definition of ex-ante conditions to be met by the Member States.

Alongside these concerns regarding the policy instruments used, there are also some questions to be answered regarding the definitions used in the legislation, and the reliability and comparability of the data reported by different countries regarding their performance levels. Where the approach to performance measurement and monitoring is not made clear, it should be expected that countries will report performance in varying ways. This reduces the comparability of the data and leads to some discussion as to what the preferred approach to performance measurement should actually be.

The above discussion raises important questions as to whether it is sufficient for the Commission to set targets and leave implementation to the Member States (as is currently the case), or whether there is a rationale for going further than 'just' setting targets.

**QUESTION: Do you believe the Commission should go further than simply setting targets for Member States to achieve? If you select "No" there are no more questions and you can submit your response by clicking on the button below.**

[Yes/No]

### 7.1 Suggestions for Change

**QUESTION: As you answered "Yes" to the above question, please indicate whether you believe the following would be appropriate (select "Yes"/"No" from the dropdown lists):**

QUESTIONS	Yes/No
1. Develop guidance on the implementation of effective producer responsibility schemes to improve the transparency of the systems as well as their cost effectiveness.	Yes
2. Develop guidance on the proper implementation of the waste hierarchy.	Yes
3. Ensure a closer monitoring by the Commission of progress accomplished by Member States in applying the waste hierarchy. For those Member States moving too slowly to meet the legally binding targets, develop mechanisms to ensure that key instruments such as a combination of economic and legal instruments (landfill/incineration taxes/ bans, EPR schemes, incentives for municipalities and citizens, etc.) are applied.	Yes
4. Develop criteria for municipalities to implement services of a minimum standard to enable sorting of a range of waste materials for recycling and composting / anaerobic digestion.	N/A
5. Improve the consistency of the definitions used in the legislation and ensure proper monitoring by improved data collection and systematic reliability and validity checks of data reported.	Yes

**QUESTION: Are there any other proposals in addition to the above that you feel deserve serious consideration? If so, please describe up to three additional solutions in the text boxes below (as in the list above, please ensure that you only enter one clearly defined solution per box). Please only include options which you strongly favour.**

#### **EUROPEN input**

EUROPEN welcomes Eunomia's statement under point 2 of section 7.0 that Member States have often relied upon extended producer responsibility schemes to ensure the proper funding of separate collection and recycling of various waste streams, as well as that these schemes have been of uneven quality, that the relationship with municipalities takes different forms, the transparency of the systems is not always ensured, they appear to vary considerably in their cost effectiveness and the nature of the financial set up can lead to a situation where the system deployed gravitates towards the bare minimum that needs to be done to report a successful achievement of the desired targets.

EPR schemes have proven successful in driving recovery and recycling rates of packaging waste across Member States and have allowed for the recovery and recycling targets laid down in the Packaging and Packaging Waste Directive (PPWD) to be met and in many cases exceeded by a considerable margin. In this regard, EUROPEN considers the PPWD, which has prompted the setting up of national **Extended Producer**

**Responsibility (EPR) systems** across Europe for managing waste from all packaging materials, as an **appropriate and effective legislative framework for effectively driving the recovery (e.g. recycling or energy recovery) of all packaging waste.**

However, the situation depicted by Eunomia may require some adaptation in response to developments in the market place if packaging recycling/waste management schemes are to continue driving recovery and recycling rates of all packaging materials. **EUROPEN therefore supports setting minimum requirements** (e.g. geographic scope, types of packaging material covered, transparency on material flows, cost and tendering procedures) **for all national packaging waste compliance schemes and for Member States to establish approval procedures for packaging collection and compliance schemes.** This will ensure minimum operational performance and a level playing field between competing schemes which will ultimately secure the efficient collection of post-consumer packaging needed to meet the targets.

#### **EUROPEN input to suggestion 2 (section 7.1)**

In principle EUROPEN can support this suggestion, so long as the guidelines stress the possibility of departures from the hierarchy when indicated by lifecycle thinking, as codified in the WFD and PPWD.

### 8.0 General Comments

*QUESTION: Would you like to add any general comments? If so, please use the space provided below.*

#### EUROPEN Input

**EUROPEN encourages the principle of involving citizens in this EU waste review stakeholder consultation. While this involvement acknowledges citizens' responsibility as part of the value chain to sort recyclables, we regret the tone and formulation of some of the questions.** In general, the questions are set in a particular mindset and tend to drive citizens to respond giving more weight/credit to waste prevention and reuse practices. The possibility to provide nuanced answers is limited and may be detrimental to gain meaningful insights from citizens' input.

In particular, some questions to citizens are biased and discriminatory and unfairly single out particular industries as a creator of "waste" (e.g. bottled water, reusable nappies). Furthermore the question which asks whether one avoids buying "overpackaged goods" is biased. There is no commonly agreed definition of an "overpackaged good", nor would it be meaningful, and is thus subjected to citizens' own interpretations. Technical, ecological and economic considerations for packaging solutions will most likely be overlooked. Packaging's role is to protect products and helps to reduce (food) waste, one of the biggest challenges of our time. **The packaging supply chain is continuously striving to further optimise the environmental performances of packaged goods, which is also reflected in EUROPEN members' ambitious positions in the EU waste review.**

Given the early stage of the EU targets review and the often vaguely formulated questions, EUROPEN has generally rated the questions in a prudent light. For instance, for some questions related to the WFD, Landfill and Resource Efficiency sections, EUROPEN can generally support the principles but is currently not in the position to assess the implications of these questions and their true meaning. Our ratings or positions may also change at a later stage when more information is known on the proposal for the revised EU targets and how this will impact the targets in the Packaging and Packaging Waste Directive (PPWD).

EUROPEN strongly supports the PPWD as an appropriate and effective legislative framework to drive recovery and recycling of all packaging waste. **Packaging requires a separate regulatory approach due to its inherent characteristics (volume, consumer visibility, recycling value and market structure), but also due to the fact that it is a product facilitator, as part of the product.**

**The PPWD is also a fundamental tool for guaranteeing the free movement of packaged products.** It is key for the effective functioning of the Single market which provides economic and societal gains for European citizens and industry. In this regard, the review of the PPWD is an opportunity for identifying the conditions required for ensuring a robust packaging waste management culture and infrastructure emerging in Member States that are currently lagging behind. **A revised PPWD will allow the Directive to remain relevant and**

**effective in a changed policy and market setting, and support the EU in meeting its aspirational objectives set in the EU Resource Efficiency Roadmap.**

Statistics show that the current targets are being comfortably exceeded by most of the EU-15. EUROPEN would support higher minimum recovery and recycling targets, subject to certain caveats on feasibility and economic efficiency. For example, the Member States which achieved the highest overall recycling rates in 2001 have not continued increasing them at the same rates and in some cases the rates have fallen (Germany, 76% in 2001 to 73% in 2010; Belgium, 71% to 80%; Austria, 64% to 67%; Sweden, 63% to 54%; and Denmark, 57% to 84%). This would indicate that there are practical limits to recovery and recycling beyond which increased yields entail disproportionate costs with little or no net environmental gain. The best performing Member States are converging on recovery rates of around 90% and recycling rates of approximately 80%. **These rates probably represent the likely *de facto* environmental and economic limits for recovery and recycling. Going beyond those limits would require significant additional investments in infrastructure and reprocessing capacity whilst achieving only minimal incremental yields of packaging materials.**

**EUROPEN would support increased targets provided that they are achievable**, they take account of existing municipal waste management infrastructure and packaging waste reprocessing capacity, they have a proven environmental benefit and a realistic timeline for reaching them is set.

**However, EUROPEN believes that a priority for the Commission should be to devote its efforts over the next few years to focus on the lowest performing Member States in order to achieve more level waste management performance across the EU<sup>7</sup>.** EU waste legislation is not properly implemented and studies demonstrate that this situation leads to missed opportunities in terms of environmental benefits and jobs creation (400.000 jobs could be created if the EU waste legislation was fully implemented<sup>8</sup>).

An alternative option for the Commission could be to adopt a phased approach towards increasing targets within Member States. Targets could be increased in Members states exceeding existing targets while further efforts could be devoted by the Commission to improve the situation in the Member states having difficulties in meeting the existing targets. For this reason, EUROPEN would suggest considering targets that are achievable for all which may require **setting different targets for different groups of Member States**. In this respect, it would be useful to consider different scenarios to assess environmental and economic costs and benefits. In this regard, EUROPEN welcomes the European Commission's initiative to make bilateral contacts to help less performing Member States.

In addition, **EUROPEN calls for a specific post-consumer packaging recovery target (e.g. for recycling or energy recovery) in the PPWD** to incentivise collection and recycling/recovery of post-consumer packaging. More measures for separate collection, in line with the WFD, will also increase the quality of the materials for further processing.

Another point of attention for the Commission should be the reliability of EU data. **There is a need to improve EUROSTAT data on packaging and packaging waste.** EUROPEN believes that EUROSTAT should be given the resources to make detailed enquiries of any data submitted by the member states that lack credibility, and should publish the findings. For example, there are some cases of wide fluctuations from one year to the next in the tonnages reported on packaging placed on the market or packaging recycled: these should be investigated. We are also aware that EUROSTAT does make enquiries, but it does not always receive a satisfactory answer (or even any answer at all), and it does not publish the explanations received.

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<sup>7</sup> The overall recovery rate in the EU as a whole is 76% (2010). Performance in EU-12 is lower (56%) compared with EU-15 (79%). The overall recycling rate in the EU as a whole is 63% (2010). Performance in EU-12 is lower (47%) compared with EU-15 (65%).

<sup>8</sup> BIO Intelligence Service (2011), Implementing EU Waste Legislation for Green Growth, Final Report prepared for European Commission, DG Environment, p. 34  
<http://ec.europa.eu/environment/waste/studies/pdf/study%2012%20FINAL%20REPORT.pdf>

Under Section 6.1 on measures for more waste prevention, Eunomia proposes various 'solutions'. **EUROPEN supports the aspirational targets currently set in the 7EAP and the Resource Efficiency Roadmap, rather than the need for additional quantified waste prevention targets.** As Eunomia points out, much depends on how the economy develops over the next few years – and on the baseline year chosen. A waste reduction requirement would be unfair on those poorer Member States that are seeing economic benefits from EU membership.

In addition, **EUROPEN would welcome clarification on what is meant with 'waste' in the context of waste prevention.** Is it waste going to final disposal that is meant here? For packaging waste in specific, the Commission considers packaging waste equal to packaging put on the market in current reporting templates. EUROPEN considers packaging waste as waste going to final disposal (landfill), while used packaging for recycling/recovery can be reintroduced in the economy as a (secondary) material/product. **EUROPEN encourages the Commission to reassess its definition and reporting templates for packaging waste, in view of current and future 'circular economy' ambitions and the development of 'end-of-waste criteria' by the Commission's services.**

**According to Eurostat data, decoupling between GDP and packaging waste going to landfill is happening. An additional waste prevention target for packaging is therefore not required.** In addition it might have side effects on economic growth. The amount of waste generated per household differs widely between Member States according to their level of prosperity, and will continue to do so. A target that is realistic for Germany (444 kg per capita in 2010) or France (453 kg) would be meaningless for Bulgaria (317 kg) or Estonia (321 kg). EUROPEN questions how such a target be achieved, monitored or enforced, which depends not only on householders' waste management behaviour but also on their purchasing decisions.

**Concretely, prevention targets are impracticable.** Attempts to measure prevention have not been successful, as studies<sup>9</sup> have shown. Quantified prevention targets in Dutch and Spanish legislation were abandoned some years ago. Enforcement was a problem because it is always unclear how targets can be translated to individual companies' performance, as this needs to take account of specific protection requirements related not only to the contents and distribution channels, technological feasibility and demand but also to the timing of replacement of manufacturing equipment.

A rigorous target, for example one based on the ratio between the total weight of packaging placed on the market and the total weight of packaged products placed on the market, would depend on reliable information on the weight of packaged products placed on the market. It is difficult enough to measure the amount of packaging placed on the market, and estimating the amount of packaged products would in our view be far more challenging. In any case, the demand for packaging is linked to the demand for packaged goods, and changes in the structure of demand for packaged goods will determine the types of packaging placed on the market and the amount of protection that their contents need.

The Commission's December 2006 report to the other EU institutions on the progress of implementation of the PPWD made the same point. In general, it concluded, packaging is not produced as a good in itself but as a tool to allow the distribution of other packaged goods. "Packaging is a cost factor, so preventing packaging is in the interest of the producer of the packaged good. Taking all the functions of packaging into account, it is often difficult to draw an exact line between the acceptable use of packaging as a marketing tool and unnecessary 'over-packaging'."

**Finally, EUROPEN believes that targets for reuse are neither feasible nor necessary.** Producers employ reusable packaging where this is efficient, and the market will be the best guide.

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<sup>9</sup> For example: analysis of the evolution of waste reduction and the scope of waste prevention, Arcadis, October 2010.

Reuse of packaging can be a viable option for local or regional distribution, but has proved environmentally disadvantageous for longer distances.<sup>6</sup> Where applied by Member States, reuse / refill quotas have tended to pose a barrier to trade within the EU and thus a barrier to the internal market objectives of the PPWD. There is reason to believe that such quotas have sometimes been used to create trade barriers rather than to meet environment objectives.

The PPWD says that Member States may encourage reuse systems; they are not obliged to do so. This means that any measures taken must not discriminate against imports and any aid granted through state resources must not distort or threaten to distort competition by favouring certain companies or the production of certain goods.

Reuse targets are difficult to measure. Data on the proportion of packaging placed on the market that is reusable is meaningless unless information is also available on how many times that packaging is actually reused. Without a clear picture of the amount of reusable packaging placed on the market for the first time, the rate of rotation and the amount of equivalent non-reusable packaging employed, it is very difficult to establish the market share of reusable packaging in any given sector. Rotation rates may vary greatly from one product, system or country to another, so there is no real possibility of quantifying reuse in the market as a whole.