

TO: AGRICULTURE MINISTERS OF THE EUROPEAN UNION

Re: Packaging and packaging waste regulation: food safety and food waste aspects.

Brussels, 26 May 2023

Dear Minister of Agriculture,

In the context of the ongoing negotiations on the Regulation on Packaging and Packaging Waste (PPWR), the European Environmental Bureau urges you to support ambitious waste prevention and reuse measures to tackle the uncontrolled growth of packaging waste, notably in the food and beverage sectors.

This regulation offers a unique opportunity for the much-needed transition towards more circular packaging systems at a time when packaging volumes are at an all-time high: over the last decade packaging waste has grown by 20%, outpacing economic growth.

Considering that food and beverage packaging represents two-thirds of the total packaging market¹, this letter draws attention to the following issues:

- Food safety, hygiene and chemicals
- Food waste

All available independent evidence on these issues strongly supports more action on waste prevention, in line with the proposal from the European Commission. Therefore, we encourage you to not to be confused by simplified arguments presented by the single use packaging industry during negotiations.

Food safety, hygiene and chemicals

Consumer safety, including food safety and hygiene, must be considered in the context of the proposal. Though, this must be done in a holistic manner, including chemical safety, and not based on exaggerated arguments regarding the risks of reuse and packaging free solutions.

Firstly, the proposal fails to deliver on the commitments made in the EU Chemical Strategy for Sustainability to minimise the presence of substances of concern in products inclusive of “packaging including food packaging². On this point the Council Conclusions stressed “the importance of clear legal provisions in EU product law [...] ensuring that chemicals, materials and products are safe and sustainable by design”³. However, the proposal does not include a robust definition, or mechanism to track or restrict substances of concern in packaging. This is concerning, considering the growing evidence that many disposable food packaging applications -including plastics and paper based- may

¹ Eunomia, COWI et al. (2020) <https://www.eesc.europa.eu/sites/default/files/files/qe-03-20-534-en-n.pdf>

² COM(2020)667 https://eur-lex.europa.eu/resource.html?uri=cellar:f815479a-0f01-11eb-bc07-01aa75ed71a1.0003.02/DOC_1&format=PDF

³ Council Conclusions on the Chemical Strategy for Sustainability.
<https://www.consilium.europa.eu/media/48827/st06941-en21.pdf>

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pose health risks to consumers due to chemical migration. For example, harmful chemicals such as endocrine disruptors (PFAs) are often present in take-away food packaging⁴.

While the EU Food Contact Material Regulation should, in principle, address chemicals in packaging, the review of this legislation is facing unprecedented delays (more than 6 years) and the harmonised rules do not address the biggest packaging material group: paper and board. A holistic approach to regulating the presence chemicals in packaging is urgently needed for the protection of citizens' health, safety and the environment.

Further, the argument of food safety must not be exploited for the continuation of 'business as usual' in the packaging sector. The draft Regulation already includes appropriate provisions in this regard. The text clarifies -in multiple instances- that the waste prevention, packaging minimisation and reuse measures proposed must not hinder the functional requirements of packaging in terms of containment, tidiness, health, hygiene and safety. Article 2.2. explains that the Regulation "applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products". Hygiene and safety are also clearly stated as key performance criteria in Annex IV for the packaging minimisation assessment. Refill obligations in Article 25 also address hygiene and allow operators to refuse containers provided by users. All of this is supplemented by specific requirements and exemptions which guarantee safety and hygiene for all measures proposed, including specific provisions applying to food and beverages.

Lastly, industrial reuse systems for beverages and food already exist and have been working at scale in several Member states for decades, alongside dine-in in restaurants using traditional cutlery for centuries, without the unintended consequences on hygiene and consumers safety. Regrettably, unsubstantiated contradicting arguments⁵ are now being instrumentalised to oppose the uptake of more reusable packaging and a reduction in unnecessary disposable packaging.

Food waste

Packaging legislation must also pay careful attention to the complex interaction between packaging and food waste. Tackling avoidable packaging and preventing food waste are objectives that must be advanced together. The starting point to address these two challenges jointly, is recognising that food waste has complex and diverse drivers. In European countries, this is predominantly the oversupply and undervaluing of food. Addressing these requires systemic change to our food system, which goes beyond the remit of the packaging regulation.

National and EU-wide data shows clearly that both food and packaging waste have grown simultaneously over the last decades⁶. This demonstrates that increased levels of disposable packaging have not reduced (and will not automatically reduce) food waste. While packaging has a clear role to play in protecting food and extending shelf life, many packaging practices increase both food and

⁴ Chemtrust (2021) PFAS in food packaging: New European wide investigation. https://chemtrust.org/pfas_eu_packaging/

⁵ EUObserver, 9th May 2023. McDonald's at centre of lobbying blitz against EU packaging waste laws. <https://euobserver.com/health-and-society/157006>

⁶ IEEP (2018) Plastic Packaging and Food Waste – new perspectives on a dual sustainability crisis. <https://ieep.eu/publications/plastic-packaging-and-food-waste-new-perspectives-on-a-dual-sustainability-crisis/>

packaging waste⁷. Multi-packs, for instance, are often used to increase sales by grouping individual items, thus increasing unnecessarily both food and packaging waste. Also packaging which groups products restricts consumer choice and forces over purchasing.

It also been demonstrated for a number of common fruit and vegetable products, selling these items loose (allowing people to buy just the right amount of a product to meet their needs) is an effective way to reduce food waste, and that for these products the benefit in terms of food waste prevention of selling loose was much greater than any influence of packaging on shelf life⁸. A UN Environment-led Meta analysis of more than 33 LCA studies concludes that only for food products with the highest environmental impact (e.g. meat and fish) should shelf-life extension be prioritised more than packaging waste prevention⁹. For many food products zero or reusable packaging already represents a viable and sustainable solution, and this is reflected by the growing number of retailers focusing on reducing the use of unnecessary packaging.

Recommendations

We therefore call on you to:

- **Ensure a timely adoption of the legislation:** unnecessary delays at this stage would make it difficult to finalise the discussions before the end of this legislature creating further legal uncertainty.
- Support the proposed **waste prevention and reuse targets**, including for food and beverage, as well as the strengthened measures for tackling avoidable packaging and wasteful packaging practices.
- **Enable the tracking and restriction of substances of concern** included in (food) packaging to guarantee consumer health and safety, following the commitments in the Chemical Strategy for Sustainability.
- **Reject unsubstantiated claims that reusable packaging systems are intrinsically more or less hygienic than single use ones** and seize the opportunities for more sustainable food systems offered by the regulation.
- Adopt a **balanced approach on the interaction between food and packaging waste** acknowledging that over-packaging can drive over-purchasing and hence food waste.
- **Remove unnecessary derogations, broad exemptions and strengthen enforcement** to prevent facing the same implementation gaps of the current Directive.

⁷ UN Environment (2022) Meta Analysis of life cycle assessment for food packaging Analysis of 33 LCA studies on food packaging suggests a pragmatic approach to addressing food waste and packaging waste based on the product impact, WRAP 2022 Reducing-household-food-waste-and-plastic-packaging and IEEP 2018 Plastic-packaging-and-food-waste-new-perspectives-on-a-dual-sustainability-crisis/

⁸ WRAP (2022) Reducing household food waste and plastic packaging. <https://wrap.org.uk/resources/report/reducing-household-food-waste-and-plastic-packaging>

⁹ UN Environment (2022) Single-use supermarket food packaging and its alternatives. Recommendations from LCAs. <https://www.lifecycleinitiative.org/wp-content/uploads/2023/03/UNEP-D010-Food-Packaging-Report.pdf>



For more information please see the position paper of our coalition [here](#).

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