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SERRED recommendation on the revision of Directive 94/62/EC on packaging and packaging waste

SERRED welcomes the Commission's Communication COM(2015) 614/2 on a EU action plan for the Circular Economy. We fully support the transition towards a Circular Economy in order to make Europe more resource efficient. SERRED agrees that waste management plays a central role in the Circular Economy and should be based on a strict priority order from prevention all the way down to landfilling with reuse clearly preferable to recycling in the waste hierarchy.

Unfortunately today the reuse of industrial packaging is severely complicated because of misinterpretations of the definitions for *waste* and *reuse*. This leads to sub-optimal levels for the reuse of industrial packaging and therefore the wastage of valuable resources. SERRED therefore welcomes the position of the European Parliament in COM(2015)0596-C8-0385/2015-2015/0276(COD) strengthening Article 5 "Re-Use" in the Directive 94/62/EC on packaging and packaging waste. We believe that if additionally in Article 5 a clear reference to closed and open loop reuse systems is included, this would significantly benefit the reuse of (industrial) packaging in Europe.

WFD 2008/98/EC: Interpretation definitions waste and reuse

According to the WFD 2008/98/EC

- *Waste means any substance or object which the holder discards or intends or is required to discard (Article 3.1)*
- *Reuse means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived (Article 3.13)*

It is clear from these definitions that if (industrial) packaging is destined for reuse as part of a closed or open loop system, the packaging is not waste.

In practice however only Germany is sticking to these definitions. The German Federal Working Group Waste (LAGA) in 2012 declared that industrial packaging for chemicals when collected for reconditioning and reuse should not be classified as waste. In all other Member States used industrial packaging is usually misinterpreted as waste which makes reconditioning and reuse much more difficult and sometimes even impossible.

Industrial packaging is mainly used for the transport of chemicals, food products, oil and pharmaceuticals. In most cases the packaging must be cleaned after each use. This will be done by an emptier or by a specialized reconditioning company. Reconditioning means the cleaning and refurbishing back to its original shape so that the packaging can be used again for the same purpose. In the case of steel drums, sometimes the colour is changed as well.

PPWD 94/62/EC: SERRED recommendation for additional clarification of reuse

SERRED agrees with the position of the European Parliament COM(2015)0596-C8-0385/2015-2015/0276(COD) that “the reuse of packaging has specific characteristics, and therefore cannot be covered by the Framework Directive”. And also that “the reuse of products and components constitutes processing which prevents the generation of waste, so in accordance with the waste hierarchy it should be regarded as a prevention measure”. We support the position of the European Parliament for the inclusion of Article 5 “Re-Use” in the PPWD and recommend including additionally a reference to closed and open loop reuse systems in order to stimulate the reuse of packaging even further. It is our recommendation to add to the Article 5 paragraph 1 as follows:

Member States shall encourage reuse systems of packaging, which can be reused in an environmentally sound manner, in conformity with the Treaty;

Reusable packaging shall not be considered waste as long as it is managed through a closed or open loop reuse system. Reusable packaging at the end of its useful life shall be considered waste;

- ***Closed loop systems are systems in which substances or objects are reused by a user/company or by a co-operating group of users/companies;***
- ***Open loop systems are systems in which objects or components are reused amongst unspecified users/companies;***

The closed and open loop system definitions are according to the CEN standard EN 13429.

The German authorities, after thorough investigation, recognized the reconditioning for reuse of industrial packaging as best practice. By classifying industrial packaging as non-waste as long as it is managed through a closed or open loop reuse system, the EU will join current practices in the important export markets Japan and the USA.

SERRED looks forward to closely working together with the European Commission in order to further increase the reuse of industrial packaging and thereby contributing to a more resource efficient economy in Europe.

SERRED represents the industrial packaging reconditioning industry in 11 EU Member States plus Norway and Switzerland. The industry has an annual turnover of € 400 million and employs 3,400 people. Each year in Europe almost 16 million plastic or steel drums and intermediate bulk containers are reused.

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