

## ***Position on the European Circular Economy Package***

The Arbeitsgemeinschaft Verpackung + Umwelt e.V. (AGVU) welcomes the work of the European Commission on a circular economy package aimed at widespread development in the Packaging and Packaging Waste Directive as well as the Waste Framework Directive.

With a view toward the European Commission, the European Parliament and the European Council negotiations taking place over the next months, the AGVU is in fundamentally committed to greater transparency and the development of private-sector structures in the framework for household collection system and recycling in Europe. The principle of producer responsibility is central to this. Building on this core idea, thousands of new jobs across Europe can be created in an innovation-oriented competition. Above all, enormous progress can be made in saving resources and mitigating climate change.

For further political coordination, the AGVU calls for the following points:

### **1. Free internal market for packaging and packaged goods**

- In order to maintain the internal market, it is imperative that Article 114 of the European Convention be maintained as the legal basis of the Packaging Directive. The amendment to the legal basis of Article 114 TFEU (internal market) to Article 192 TFEU (environmental protection), which is currently being discussed in the European Council, must be avoided. The underlying Article 192 of the EU Treaty (TFEU) as the legal basis of the Packaging Directive would allow divergent regulation in the Member States and thus lead to noticeable restrictions on the free internal market. For example, national measures, as well as individual packaging bans (such as in Denmark, 1986) can have a lasting effect on European industry and lead to the loss of jobs. Only in a downstream and often very time-consuming notification would national regulations be examined by the EU Commission for internal marketability and, as the case may be, corrected only years later. It is therefore of fundamental importance to preserve the free movement of packaged goods in the European internal market by maintaining Article 114 TFEU as a legal basis.
- Time extensions must be permissible for individual Member States for the achievement of ambitious recycling targets. Violations of harmonization, such as the calculation and achievement of recycling targets, must be clearly "addressed"; A supervision of the harmonization, a "review", is possibly recommended in defined time horizons.
- Methods and definitions must be consistent in Europe.
- National prohibitions on specific packaging and individual regulation of specific packaging systems are to be excluded.

### **2. Transparent requirements for Extended Producer Responsibility (EPR)**

- The requirements for the extended producer responsibility must urgently be specified and the internalisation of various cost factors into the producer responsibility clearly limited ("cost-demarcation"). For example, the cost of removing litter may not be imposed on the market. The responsibility of producers should be limited to financial

and operational aspects. It is not intended to impose "organizational" responsibilities such as the establishment or ownership of EPR systems on the producer. Systems should be self-responsible, but clear legal rules should be followed.

- Licensing tariffs, which are modulated according to ecological criteria, can be useful in order to influence material flows in a targeted manner. For this purpose, however, uniform principles must be developed Europe-wide in order to avoid distortions in the internal market. This task can also be undertaken by the industry.

### **3. All functions of packaging must be considered**

- In principle, the purpose of packaging must be foregrounded: A complete consideration of packaging and product is necessary. Target conflicts between recycling and product protection must not be regulated at the expense of the original function of the packaging.
- Freedom of choice regarding placement on the market in relation to the packaging systems used must be respected.
- Energy recovery will only be supported if it is the most sensible exploitation option according to ecological criteria.

### **4. Clear recycling targets**

- There must be one singular and realistic recycling goal.
- Separate quantitative recycling targets, for example for bio-based packaging, renewable raw materials or fractions of secondary materials or for the reuse of packaging, must be rejected.

### **5. Clear definitions and calculation methods**

- Standards and definitions for the assessment of packaging consumption in the Member States, including as a basis for the measurement of recycling rates, must be uniform in order to arrive at reliable and comparable results between the EU Member States on the achievement of recycling rates.
- The procedure proposed by the Commission to calculate the recycling quotas, that is, measurement of the input into the recycling process, must be supported.
- Clear definitions of reuse, preparation for reuse and recycling are required in accordance with the applicable packaging guidelines. A possible development of the definition may only be made on the basis of valid, new data collected.

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