

Position paper on the proposed EU Regulation on Packaging and Packaging Waste

Introduction

This document outlines the [European Specialist Sports Nutrition Alliance \(ESSNA\)](#)'s response to the public consultation on the proposed Regulation on Packaging and Packaging Waste in the context of the revision of the Packaging and Packaging Waste Directive (PPWD).

ESSNA is the leading European trade association for the sports and active nutrition industry. It brings together major manufacturers and distributors of sports nutrition products, suppliers of ingredients, national associations as well as specialist scientific and legal consultants advising the sector.

The sports and active nutrition industry is fully committed to the EU's climate action ambitions, especially related to the efficient and sustainable handling of resources, as set out in the Circular Economy Action Plan. Therefore, ESSNA welcomes the European Commission's efforts to revise the PPWD to introduce further measures to ensure the prevention and sustainable management of packaging and packaging waste.

Sports and active nutrition is an important and fast-growing segment of the food sector. ESSNA and its members are already taking a leading role in accelerating the industry's transition to sustainability, as manifested in the industry's [Sustainability Pledge: Lifting the Planet](#). Launched in May 2022, the Sustainability Pledge sets out five aspirational objectives that the industry can abide by to strengthen the sector's contribution to the Commission's climate neutrality objective. The prevention of packaging and packaging waste constitutes a key element of the Sustainability Pledge, as members pledge to continue to invest in innovative and circular packaging for the sector.

With this in mind, ESSNA:

- Welcomes the Commission's proposal for more harmonisation of packaging and waste rules, especially regarding the provision of on-label information and EPR schemes and calls for further harmonisation of waste management and sorting infrastructure.
- Invites the Commission to ensure that any rules on the reduction of transport packaging for e-commerce do not negatively impact the safety of products to avoid damaging products and creating further food waste.
- Urges the Commission to ensure that appropriate infrastructure and technology are developed to allow the cost-effective return of products in light of the suggested reuse targets for beverage containers.
- Welcomes the suggested recyclability requirements but invites the Commission to take into consideration the recycling challenges encountered with complex packaging materials.
- Urges the Commission to ensure the industry's accessibility to affordable secondary raw materials to ensure the uptake of recycled content into its packaging. Food safety and the shelf life of food products must also be safeguarded when considering recyclability requirements.

ESSNA's position in detail:

1. ESSNA welcomes the Commission's proposal for a harmonisation of packaging and waste rules, and further calls for further harmonisation of waste management and sorting infrastructure.

- ESSNA welcomes the European Commission's intentions to further harmonise national rules on the prevention of packaging and packaging waste by means of the proposed Regulation.
- ESSNA is particularly supportive of additional harmonisation in the provision of on-label information on recycled content and sorting instructions, as well as Extended Producer Responsibility (EPR) initiatives. Complying with different legislation across different Member States also adds administrative burdens for businesses selling the same product in multiple European countries. This divergence creates unnecessary trade barriers and administrative burdens, henceforth, measures to address this issue are duly supported.
- ESSNA also notes that further harmonisation of waste management and sorting infrastructure is needed for an efficient implementation of the waste hierarchy ("reduce, reuse and recycle") as set out in the proposal.

2. ESSNA invites the Commission to ensure that any rules on the reduction of transport packaging for e-commerce do not negatively impact the safety of products to avoid damaging products and creating further food waste.

- ESSNA appreciates that transport packaging is a contributor to the generation of packaging waste, and therefore welcomes the Commission's steps to reduce excessive transport packaging.
- At the same time, ESSNA wishes to stress the crucial importance of transport packaging in preserving the safety and integrity of products, especially regarding products intended for human consumption, such as sports foods. As the sports nutrition industry operates to a large extent via e-commerce, ESSNA invites the European Commission to ensure that any transport packaging reduction targets will allow the industry to ensure that products sold online can be transported safely. ESSNA also invites the European Commission to ensure that reduction targets do not compromise food safety standards.

3. ESSNA urges the Commission to ensure that appropriate infrastructure and technology are developed to allow the cost-effective return of products in light of the suggested reuse targets for beverage containers.

Reuse targets for non-alcoholic beverage containers

- Beverages, such as hydration and electrolyte drinks, are a key product segment of the sports nutrition industry. While ESSNA generally welcomes the proposal's focus on reuse measures for beverage containers, it urges the Commission to pay attention to the potential unintended

operational and environmental impact of the reuse targets, especially on smaller organisations predominantly operating via online retail.

- Specifically, ESSNA is concerned that the obligation to take back beverage cartons for washing and reuse may have unintended environmental consequences. Therefore, any carbon emissions associated with the return of beverage containers must be factored into the cost-benefit analysis of reuse targets.
- ESSNA also wishes to highlight that from an operational perspective, small and medium-sized companies, which are the largest share of the sports nutrition industry, currently lack the necessary infrastructure and systems to ensure that beverage containers can be reused. The development of adequate systems is also associated with high costs, which are a burden, especially for smaller organisations.
- ESSNA wishes to stress that any reuse targets must not have a negative impact on the hygiene and safety of food products.

Deposit return systems for single-use plastic bottles

- Overall, ESSNA welcomes the Commission's intentions to harmonise the rules on deposit return schemes for single-use plastic bottles as national schemes currently available vary greatly across Member States. This lack of harmonisation, for instance on labelling, creates administrative and operational burdens for sports nutrition companies.
- At the same time, ESSNA is concerned that the additional costs for the development of necessary take-back infrastructure may result in higher prices for consumers. ESSNA, therefore, urges the Commission to ensure that cost-effective infrastructure and technology are developed and implemented at the Member State level to allow products to be returned effectively. The creation of a streamlined infrastructure, such as dedicated pick-up points, is especially important for online retailers and SMEs.
- ESSNA also wishes to stress the importance of ensuring that consumers are educated on new, EU-wide deposit return systems. According to a [study](#) conducted by the German Environment Agency, consumer awareness of deposit return systems is key to avoiding impeding their success.
- Lastly, ESSNA urges the Commission to provide more clarity on the practical functioning of deposit return schemes. Specifically, ESSNA would welcome more information regarding the practicalities of the underlying payment streams and invites the Commission to clarify how the financial aspect of the cash deposit and return will work in practice.

4. ESSNA welcomes the suggested recyclability requirements but invites the Commission to take into consideration the recycling challenges encountered with complex packaging materials.

- ESSNA greatly welcomes the recyclability targets introduced by the proposal, aiming to make all packaging recyclable from 2030, and 'recycled at scale' from 2035.

- While the packaging of sports nutrition products is already recyclable to a large extent – some of our members use packaging which is between 60% to 90% recyclable - ESSNA agrees that stricter recyclability rules will further contribute to the realisation of a circular economy. ESSNA specifically welcomes the measures on more harmonised definitions, which are believed to help address the issue of greenwashing.
- ESSNA also invites the Commission to take into consideration the potential recycling challenges of complex packaging materials. Many food products, including sports nutrition products, are often packaged in hard-to-recycle materials, such as triple laminate films. To ensure that these complex materials can be recyclable, ESSNA invites the Commission to continue to invest in research and development of new recycling technologies that can recover secondary raw materials from hard-to-recycle packaging materials.

6. ESSNA urges the Commission to ensure the industry's accessibility to affordable secondary raw materials to ensure the uptake of recycled content into its packaging. Food safety and the shelf life of food products must also be safeguarded when considering recyclability requirements.

- ESSNA fully supports the Commission's intentions to reduce reliance on primary raw materials, such as virgin plastics, and therefore welcomes measures to increase the recycled content for plastic packaging.
- However, while the industry has already been actively trying to increase recycled content in its packaging, the sector continues to encounter difficulties in gaining access to secondary raw materials due to their limited availability and high costs. In addition, ESSNA regards it of utmost importance to ensure that plastics made from secondary raw materials do not affect the quality of food packaging, are safe to be used as food contact materials, and do not compromise the shelf life of products.
- Therefore, ESSNA calls on the Commission to:
 - promote eco-design in packaging,
 - take further steps to ensure a more efficient collection of waste to allow for the recovery of high-quality secondary raw materials and,
 - continue to foster research and development in the area.
- ESSNA also supports UNESDA's position against the downcycling of food plastics. UNESDA's position highlights concern and calls for the European Commission to address the practice of downcycling plastic bottles to become textiles and calls for prioritisation of bottle-to-bottle and fibre-to-fibre recycling. While this measure may be understood as "environmentally positive" by consumers, it has a detrimental effect on the circular economy as plastic bottles transformed into textiles cannot be recovered or recycled back into new bottles due to changes in their material properties.
- In parallel, the sports nutrition industry is exploring alternatives to plastic packaging, such as biobased, biodegradable, and compostable plastic. The industry is keen to explore the potential of such forms of plastic and calls for further clarity on how this policy framework will impact future rules.

The banner features the ESSNA logo in large white letters on a grey background. To the right, the text 'European Specialist Sports Nutrition Alliance' and 'The voice of the sports & active nutrition sector in Europe' is displayed in white. The background of the banner is a bright yellow with a blurred image of a kitchen scale and a notebook.

ESSNA

European
Specialist
Sports Nutrition
Alliance

The voice of the
sports & active
nutrition sector
in Europe

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European Specialist Sports Nutrition Alliance

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About ESSNA

ESSNA was established in 2003 to promote a positive regulatory and policy environment for sports nutrition products and coordinate complex technical positions on issues surrounding the food chain, consumer safety and fair commercial practices. Today ESSNA is a mature and respected organisation, widely recognised as the voice of the responsible specialist sports and active nutrition sector in Europe. ESSNA's main aim is to campaign for appropriate policy and regulation for sports nutrition products in Europe, as well as to improve the reputation of the sector with regulators, industry stakeholders and the public.

As front-runners in the industry's sustainability transition, ESSNA's members have already taken steps to align their management of packaging and associated with the EU's circularity objectives. For instance, many ESSNA members are working towards 100% reusable, recyclable, or compostable packaging, have phased out fossil-based packaging and introduced more environmentally friendly alternatives, follow a zero-landfill policy or entered in partnership with environmental organisations such as TerraCycle to improve their management of packaging and waste.