

## The Voice of Industry for Packaging and the Environment

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### Dear readers,

Sustainability has become the newest buzzword for lots of people with many different interests in packaging but for EUROPEN members it is not exactly new. The old buzzword used to be “*environmentally friendly packaging*”, now it has to be “*sustainable packaging*”. The first term has been around for about 20 years, the latter popped up about two years ago. Both have one thing in common – neither has an agreed definition.

This should not distract us from the wider and more important sustainability goals of the European Union and the contribution of corporate sustainability programmes towards achieving them. Instead of wrestling with how to define sustainable packaging, EUROPEN corporate members are focusing their attention on packaging’s contribution to sustainable development and its role in their company’s overall sustainability plan.

The quest for corporate sustainability has become an increasingly pressing issue in the European Union which has taken a world leadership role in environmental protection. Packaging, an essential component of the supply chain, is just one of many elements influencing this pursuit.

For decades our industry has been the focus of environmental attention and pressure, making the packaging chain probably one of the industry sectors best prepared and with the most experience in meeting today’s sustainability challenges. Climate change, energy sources, our use of natural resources and the disposal of waste are all driving the political and legislative agenda.

The environmental components of the 1994 EU Packaging and Packaging Waste Directive require that all packaging entering the EU market complies with its Essential Requirements related

to packaging minimisation, the elimination of hazardous substances and the suitability of packaging for at least one method of recovery when it finishes its function. The Directive also requires every Member State to establish a system to collect used packaging (via schemes which are primarily paid for by industry) and to achieve recovery and recycling of targets for packaging waste. All these are part of the sustainability agenda.

The recent European Commission report on the Implementation and Impact of the Packaging and Packaging Waste Directive (December 2006) confirmed that these goals are largely already being achieved.

Today, non-regulatory drivers are increasingly demanding the attention of EUROPEN members. The inception of sustainability reporting by financial markets such as the Dow Jones Sustainability Index has forced this corporate response with its accompanying ripple effect along the supply chain insisting on higher environmental standards from all sectors. Intense competition at all levels in the supply chain is driving innovation and producing significant reductions in overall environmental impacts.

Industry must take great care however to avoid the trap of allowing misinformation and so-called “green window dressing initiatives” to interfere with genuine incremental environmental improvement. Failure in this regard risks making industry vulnerable to outside influences that can be exploited by our critics to the detriment of what should be a united industry goal.

With best regards,

**Julian Carroll**  
Managing Director

## Regulatory News

### Retailer initiatives targeting packaging

Companies throughout the packaging chain are watching closely the evolution of a rating system for packaging being developed by Wal-Mart. The Wal-Mart sustainable packaging scorecard is due to be rolled out to the entire supply chain early next year and the world's largest retailer will consider packaging's 'sustainability' in its purchasing decisions.

Meanwhile in the UK, retailers are responding to political and public interest in energy and climate change. Tesco and Marks & Spencer have announced plans to reduce the amount of packaging they put on shelves and measures to tackle their carbon footprint. Asda, which is owned by Wal-Mart, has committed to delivering absolute reductions in packaging weight by the end of March 2010.

#### **Wal-Mart Sustainable Packaging Scorecard**

By introducing this scorecard, Wal-Mart aims to cut its packaging costs by 5% or US\$ 3.4 billion. It will ask brandowners who supply products to Wal-Mart for information on 9 indicators across the life-cycle of packaging: greenhouse gas emissions from packaging production, an evaluation of material type, average distance to transport the material, product to package ratio, cube utilisation, recycled content, recyclability, use of renewable energy, and innovation different from the energy standard. Packaging will be compared and ranked against other packaging systems as well as against Wal-Mart data which define what it considers to be 'sustainable packaging'.

There are a number of ways in which Wal-Mart will measure the ideal package and the final method is still under discussion. EUROPEN is monitoring these developments and has commissioned a study to analyse the scorecard and assess its potential impact in a European context. A preliminary report on the findings and recommendations from this study will be presented to our members at the next EUROPEN Council of Members on 12 June.

#### **Tesco**

This UK retailer has announced that it will label products to show whether the packaging can be reused, recycled, or composted, or if it can't, it will include that information on the label instead. It has also engaged a consultant to help it develop a label that will inform consumers of a product's carbon footprint, including the packaging. Tesco's Chief Executive Terry Leahy has said, "Customers want Tesco to develop ways to take complicated carbon calculations and present them simply".

#### **Marks & Spencer: 'Plan A (because there is no Plan B)'**

The goals included in Marks & Spencer's 5-year 'eco-plan' include a target to reduce packaging by 25%, send zero waste to landfill by 2012, become carbon neutral and stock more products made from recycled materials. More specifically relating to packaging, the company says that it plans to cut use of non-glass packaging by 25%, use materials that are easy to compost and are sustainably sourced (e.g. contain recycled materials, or certified by the Forestry Stewardship Council), and run a trial 'closed-loop' recycling system in its cafés.

### Waste Framework Directive update

The European Parliament voted on 13 February on the proposal to revise the EU Waste Framework Directive. In line with its Environment Committee (see Bulletin Issue 39), MEPs voted in favour of a rigid 5-step waste management hierarchy to the Directive, with very little scope for varying the way waste is handled.

EUROPEN is optimistic, however, that the Parliament's disappointingly rigid position will not be entirely supported by either the European Commission or the Council.

Since the Parliament's vote, the Council's Work Group has continued discussion on this issue and, although

it will not take a final position before June, most commentators agree that the Council will support a "5-step hierarchy". Crucially, there appears to be agreement that the hierarchy should be applied flexibly as a "guiding principle" or "rule" in policy and legislation and in such a way that it encourages "options that deliver the best environmental outcome".

Unlike Parliament, which wishes to impose a very strict application of the hierarchy with derogation only possible on the basis of life-cycle and cost-benefit analyses, Council acknowledges that for certain waste streams, it may be necessary to depart from the hierarchy "where this is justified by life cycle thinking on the

overall impacts of the generation and management of such waste.”

The Commission’s detailed position on the Parliament’s vote has not been published at the time of writing, but it is understood to favour an approach similar to that being discussed in the Council.

EUROPEN believes that introducing a rigidly applied 5-step waste management hierarchy into Europe’s framework legislation on waste would contradict the current waste management practices of many progressive cities and regions of Europe, rendering them open to legal challenge.

Other areas of concern to EUROPEN include:

#### Prevention

The Parliament supported the Commission’s proposal for Member States to draft waste prevention programmes and added that these programmes should aim for the stabilisation of waste by 2012 and significant reductions in generation by 2020. EUROPEN would like to see the Commission draft guidelines to help Member States prepare these programmes so that there is some coordination and new trade barriers are not created by 27 very different approaches to waste prevention.

#### Targets and economic instruments

The Parliament voted for quantitative targets:

- Stabilisation of waste ‘production’ at 2008 levels by 2012
- Overall reuse and recycling target of 50% for municipal solid waste and 70% for industrial and manufacturing waste to be achieved by 2020
- Separate waste collection schemes to be set up by 2015 for paper, metal, plastic, glass, textiles, other biodegradable wastes, oil and hazardous waste.

It is likely that MEPs will put pressure on the institutions to have targets adopted in the final text, although it is expected that most Member States will not favour

targets such as these. The Commission considers that the Parliament’s targets would put some Member States at an unfair disadvantage to others. EUROPEN agrees, although we consider that stabilisation and decoupling of waste from economic growth is an appropriate aim.

#### Producer responsibility

The Parliament echoed its Environment Committee’s call to introduce requirements for all waste such as providing publicly-available information on recyclability of products and establishment of repair and reuse facilities. Such requirements would appear to be intended to make producers fully responsible for the end-of-life phase of their products. Meanwhile in the Council, a proposal to introduce producer responsibility into the Directive is reported to have widespread support. It is not yet clear to what extent producers would be responsible for the end-of-life phase of the products they put on the market.

EUROPEN believes that producers should accept their share of responsibility for packaging waste, along with other parties including public authorities and consumers.

#### Recovery

The Packaging and Packaging Waste Directive clearly states that energy recovery is a valid means of meeting packaging waste recovery targets. For waste streams not regulated by similar Directives, it is still an open question whether recovery by waste-to-energy processes will be classified as recovery or disposal. The Parliament’s amendments appear to be somewhat inconsistent and have resulted in an unclear position on the status of waste-to-energy operations.

#### Next steps

The Council will most probably agree on a position (Political Agreement) at a meeting of Environment Ministers in June 2007. Once the Council’s formal position is communicated to the Parliament, it will begin second reading, probably by early 2008.

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New proposals aim to reinforce the internal market

EUROPEN is studying new proposals aimed at reinforcing the Internal Market for goods to assess any impact they may have on the Packaging and Packaging Waste Directive, and whether they will support our

long-term aim of improving Member States’ monitoring of compliance with the Essential Requirements in Directive 94/62/EC.

The proposals, issued by the European Commission in February 2007, take account of a review of the 'New Approach' method of law-making (see Bulletin Issue 38) and consist of a:

- Proposal for a Regulation on accreditation and market surveillance relating to the marketing of products
- Proposal for a Decision on a common framework for the marketing of products

The general requirements in the proposed Regulation would appear to apply to packaging, and Member States would be required to "organise and perform market surveillance" to ensure that products on the market comply with Community legislation.

The aim of the proposals is to establish a common legislative framework for all New Approach Directives,

to ensure generic legislation that covers as many product sectors as possible, including packaging, and to standardise instruments for conformity assessment, market surveillance and quality (CE) marking.

The New Approach is a legislative method where legally-binding minimum "Essential Requirements" are established, and standards are used to outline how companies can comply with them. The aim of this is to harmonise technical rules for products, and to ensure free movement of goods while guaranteeing a minimum level of quality and safety.

The proposals will now pass through the European Parliament and Council under the 'co-decision' procedure, with final adoption unlikely before 2009 at the earliest.

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#### Get ready for REACH

The entry into force of the REACH Regulation on 1 June 2007 will affect all companies in the packaging chain and EUROPEN is guiding its members through the Regulation from the perspective of packaging.

As an EU Regulation, REACH (Registration, Evaluation, Authorisation and restriction of CHemicals) directly imposes its obligations on companies from 1 June 2007 without the necessity of implementing national laws.

Although the focus of REACH is on *substances*, the legislation deals also with *substances in articles and in preparations*. EUROPEN understands that packaging falls under the definition of an article in the Regulation which states "*article: means an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition.*"

Pulp and paper, plastics, metals, glass, coatings, printing inks and adhesives are among materials used in packaging that are affected by REACH. Packaging material suppliers, converters and importers of raw materials and finished goods should ensure that they are aware of their obligations under the provisions dealing with substances in articles, of the need for pre-registration and registration of substances and, in some cases, authorisation of the substances.

In general, substances on their own, in preparations (e.g. inks, coatings and adhesives) or in articles (e.g. packaging) may only be manufactured, put on the market and used in the applications for which they are registered.

The deadlines for taking actions are very tight and the most urgent step to consider is pre-registration. Companies should begin to audit their product portfolios now and initiate dialogue with customers and suppliers. Packaging converters and packer-fillers/brand owners should encourage suppliers to pre-register all substances during the mandatory June to December 2008 timeframe. While there is no penalty for not subsequently registering substances that have been pre-registered, there is no guarantee that substances that have not been pre-registered can be registered according to the timeline laid down in the Regulation. Unregistered substances will eventually have to be taken off the market. Key decisions, on which substances may or may not have to be withdrawn from the market, can be postponed on condition that they have been pre-registered.

Although in general the registration obligations fall on manufacturers and importers, downstream users need to ensure that their specific uses are registered. This means that downstream users will have to tell their

suppliers how they use the substances in their products. Because the REACH Regulation allows for joint registration (the so-called “one substance one registration” approach) the need and the benefit

of this supply chain information exchange is clear. Clarity, collaboration and communication will be essential to make REACH work.

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### Better Regulation

The European Commission is preparing a Communication on the subject of streamlining the infringement procedure, as part of its Better Regulation initiative. Publication of the Communication is expected during mid-2007.

EUROPEN hopes that its recommendations to improve the effectiveness and transparency of the EU Infringement Procedure\* will be taken up.

EUROPEN recommends that access to information should help to achieve the “Better Regulation” objective of more effectively preventing infringements of EU law, and therefore we suggest that:

- A priority and fast track treatment under Article 226 of the Treaty (infringement procedure) should be initiated automatically in cases where the Commission’s detailed opinion has not been adequately taken into account by the Member State concerned.
- The Commission should publish press statements on its infringement decisions and assist national courts as *amicus curiae* to ensure that individuals can effectively invoke the unenforceability of those national measures

that have not complied with the notification Directive.

- Technical rules accompanying tax measures should be subject to the standstill obligation to ensure that detailed rules avoid any form of discrimination, direct or indirect, against imports from other Member States or any form of protection of competing domestic products.

The recent Commission Report on the implementation and impact of the Packaging and Packaging Waste Directive highlighted the need for further internal market guidance on Articles 5 (reuse) and 7 (recovery systems). Most infringement procedures involving packaging have related to Articles 5 and 7 of the Directive, so EUROPEN is convinced that improvements in the infringement procedure would help implementation of these Articles and hence Better Regulation within the internal market.

We believe that to achieve this, the Commission should itself have an interest in effectively pursuing cases such as the product fee infringement in Hungary to obtain, if needed, EU Court clarification on eco-taxes and packaging (no case-law yet exists).

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### Food Contact Materials Legislation published

A Commission Regulation and a Directive have been published in the Official Journal of the European Communities (OJ).

They can be found at the following links:

- *Commission Regulation (EC) No 372/2007 of 2 April 2007 laying down transitional migration limits for plasticisers in gaskets in lids intended to come into contact with foods*  
[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l\\_092/l\\_09220070403en00090012.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_092/l_09220070403en00090012.pdf)

- *Commission Directive 2007/19/EC of 30 March 2007 amending Directive 2002/72/EC relating to plastic materials and articles intended to come into contact with food and Council Directive 85/572/EEC laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs*  
[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l\\_097/l\\_09720070412en00500069.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_097/l_09720070412en00500069.pdf)

and Corrigendum (entry into force 1 May 2008):

[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l\\_097/l\\_09720070412en00700070.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_097/l_09720070412en00700070.pdf)

\*EUROPEN's paper on this topic is available at [http://www.europen.be/download\\_protected\\_file.php?file=87](http://www.europen.be/download_protected_file.php?file=87)

## Green Paper on economic instruments

The European Commission published a Green Paper (consultation document) on 28 March on market-based instruments for environment and energy-related purposes. The Commission's intention is to launch a debate on the feasibility of an increased use of market-based instruments to achieve environmental and other policy objectives, both at Community and national levels.

Published alongside the Green Paper is a Commission Staff Working Document, which looks at the distributional aspects of market-based instruments (impacts on the poor, effects on the competitiveness of companies or sectors) and considers EU trends.

The Commission moots the idea of a 'Market Based Incentives Forum' as a more structured way of exchanging information between Member States. It says that whilst the Commission "considers that it is for Member States to find the right balance between incentives and disincentives in their tax systems... the Commission would like, however, Community tax policy to facilitate this balance."

The Commission also questions whether it should consider proposing a 'harmonised landfill tax with

EU-wide minimum rates' and asks whether the existing Community legal framework provides sufficient scope for Member States to use market-based instruments to address waste management issues.

The Commission poses a series of questions in its Green Paper and invites comment by 31 July.

EUROPEN intends to publish a booklet on economic instruments, revising its paper issued in 2000 on this topic in light of developments over the past few years. Many countries now apply or are proposing to apply taxes or other economic instruments to packaging and packaging materials, and EUROPEN's concern is to ensure that these devices are only used where they do not undermine the internal market and where they can be shown to be the most effective way to achieve an environmental objective. EUROPEN's Economic Instruments Work Group is presently assessing the Commission's Green Paper to decide whether to submit comments. If so, these will first be submitted to the 12 June Council of Members for approval.

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## Tour of Europe

### **Belgium: ecotax thrown out by Belgian Court**

The Belgian government's plans to impose a tax on non-refillable containers have twice been ruled discriminatory and annulled by the Belgian Court of Arbitration.

The Belgian government's response has been to introduce a revised tax, now also applicable on refillable beverage containers, which took effect on 10 April 2007. This leaves the tax on non-refillable containers unchanged, in line with the Court's decision, but taxes refillable containers at 1/7 of the rate for non-refillables, on the assumption that refillables will be reused 7 times. The revised tax rates as published in the Belgian gazette are: EUR 9.86 per hectolitre for non-refillables – and EUR 1.41/hl for refillables.

### **Belgium: tax on packaging materials dropped, but not all packaging escapes**

The Belgian government tried to introduce a carbon-based tax on all packaging materials this year but backed down in March in the face of strong opposition from a coalition of environmentalists, industry and consumers. The coalition rightly viewed the plans for a general tax on packaging as a stealth tax, which could not be justified on environmental grounds.

The general tax was intended to fill a gap in the national budget, which will now have to be met from other sources. The impact of the proposed new tax on its forthcoming election campaign may have encouraged the government to abandon it, although the complexity of monitoring and enforcing the tax also seems to have helped to change the government's mind.

The idea of introducing a new tax has not been completely dropped though. Instead of a tax on all





packaging materials, the government has decided to tax selected types of packaging, as follows:

Plastic bags (carrier bags)	EUR 3 per kg
Plastic films	EUR 2.70 per kg
Aluminium foil	EUR 4.50 per kg
Disposable cutlery	EUR 3.60 per kg

The taxes on these selected items are scheduled to take effect on 1 July 2007. The government says that the sectors concerned will work on a methodology aiming to reduce "harmful packaging".

Belgian industry associations have launched a website in French and Dutch designed to explain to consumers how much the originally proposed tax would have cost them, with no benefit for the environment. See [www.tax-emballage.be](http://www.tax-emballage.be) or [www.verpakkingstaks.be](http://www.verpakkingstaks.be).

#### **Belgium: draft inter-regional agreement notified**

The Belgian government has notified a draft inter-regional agreement on packaging to the European Commission in order to fulfil its obligations to notify draft measures implementing Directive 2004/12/EC. EUROPEN understands that the text submitted was in very much draft form and that it is likely that the text, once finally agreed, will be re-notified.

In its current form, the agreement would partially transpose the revised definition of packaging in Directive 2004/12/EC, and set packaging waste recovery and recycling targets. In future, companies placing less than 300 kg of packaging on the market annually would be exempt from take-back obligations and companies placing less than 300 tonnes of non-reusable packaging on the market would be exempt from the requirement to submit a prevention plan. The agreement will aim to reduce the amount of packaging waste not handled by selective collection and to increase the proportion of reusable packaging on the market.

Funding arrangements have not yet been agreed, but it is possible that recovery organisations will have to pay for packaging waste not handled in selective collections, as well as activities aimed at packaging waste prevention, reducing the amount of packaging in litter, and research to improve the recyclability of packaging. Companies following the self-compliance route and recovery organisations would have to pay the authorities to monitor and assess packaging data returns.

#### **France: draft Decree notified on plastics in rubbish bags**

France has notified a proposal to the European Commission that would require the plastic used to produce small rubbish bags (up to 69 cm wide and up to 85 cm long) and cotton buds to contain a minimum of 40% by weight of "material of vegetable origin" by 1 January 2009.

The plastics used in the production of the specified small rubbish bags and cotton buds would have to conform to the CEN Standard on biodegradable or compostable packaging (EN 13432), or equivalent.

This proposal reflects the obligation on the French Agriculture Ministry to promote biodegradable plastics to implement a 2005 Law on Agriculture Policy. This Law also says that all plastic carrier bags should be biodegradable by 2010 and France has notified a separate draft Decree to implement this provision. The EU Commission has argued that a ban on non-biodegradable carrier bags would contravene the Packaging and Packaging Waste Directive.

#### **Italy: ban on non-biodegradable plastic bags**

Like France, Italy has passed a law providing for non-biodegradable plastic bags to be banned from 2010. A draft Decree to implement this measure is expected to be notified to the European Commission before the summer. The 2007 Finance Act also includes provision for a tax on plastic carrier bags and a EUR 0.01 tax on plastic bottles for mineral or table water. The revenue from this tax will be used to finance projects aimed at providing universal access to water.

#### **Hungary: certification of packaging**

The Hungarian authorities have adopted a Decree introducing detailed regulations of how to certify compliance of packaging with the Essential Requirements. A draft Decree notified to the European Commission last year did not attract any comments. Packaging can only be distributed after 1 January 2009 if its compliance with the Essential Requirements can be certified.

#### **Netherlands: packaging tax proposed**

The new Dutch Christian-Democrat/Socialist coalition government has included in its programme a proposal to introduce a tax on all packaging. The tax would bring in EUR 250 million from 2008. There are no details

at present on how the tax will be calculated (i.e. it is not known if there will be exemptions for certain types of packaging), but EUROPEN understands that it may be modelled on an existing Danish tax on packaging materials.

The Danish tax was calculated according to the results of an LCA covering relative environmental impact (greenhouse effect, acidification, nutrient salt load, photochemical ozone creation), resource consumption (crude oil, natural gas and coal), waste, energy consumption and CO<sub>2</sub> emissions. At the time it was adopted, EUROPEN expressed concern at the use of LCA to decide a tax, the result of which has been to discriminate unfairly between different packaging materials.

Meanwhile, politicians in the Netherlands are discussing a proposed deposit system for beverage containers and littering as a single topic. Last year, the then Secretary of State for the Environment wrote to the Dutch Parliament to point out that deposits would not solve littering because litter consists of more than just cans and bottles, it also includes items such as chewing gum, cigarette butts and dog excrement. A change in the behaviour and attitude of consumers was also needed, he said. Subsequently, the government, municipalities and industry concluded an agreement on litter prevention and management which requires industry to contribute EUR 11 million per year for 3 years to support litter abatement, and to ensure that 55% of small plastic bottles are collected.

However, the Dutch Parliament has since adopted a motion tabled by a member of the then opposition to put the possibility of introducing a deposit system in The Netherlands back onto the political agenda. One reason this motion has political support is that public opinion views littering as an important environmental problem in The Netherlands, and one which could be solved by a deposit system. It remains to be seen how the new Environment Minister, appointed in February 2007, reacts to arguments for and against the introduction of mandatory deposits in The Netherlands.

#### **Germany: 5th revision of Packaging Ordinance update**

The Federal Environment Ministry has published a further draft proposal to revise the Packaging Ordinance (see EUROPEN Bulletin Issue 39). This version, which

already takes account of the views of key stakeholders, has been widely circulated to stakeholders as part of a formal consultation procedure before being submitted to the German Parliament. Consultation hearings were held on 22 March with industry and on 23 March with municipalities and a draft proposal is expected to be notified to the European Commission sometime around May.

The main thrust of the proposal remains the same as in earlier drafts, but the new version contains some changes in the detail. Key changes include the following:

#### **Clearing arrangement for dual systems:**

The proposed obligation for dual systems to participate in a clearing arrangement to determine their market shares remains. However the clearing organisation, whose suggested name in earlier drafts would have included “co-ordination” or “allocation”, will now simply be called “Joint Office” (“Gemeinsame Stelle”).

#### **Reporting requirements for manufacturers/distributors:**

There are some changes to the proposed reporting requirements on the quantities of packaging placed on the market. The new text says that manufacturers and distributors would have to report to the “locally responsible chamber of trade and industry”, which was not specified in earlier drafts. The chambers must keep the public permanently updated via the internet as to who has submitted a data return, and they must permit the relevant waste management authorities to inspect the data. Further rules on how the data is to be presented may be agreed in future. The new text would still require producers to report on weight of each material placed on the market, but the reference to “number of units” has been deleted.

There are also changes to the simplified reporting requirements for small companies – in place of the single threshold proposed in an earlier draft (5 tonnes of packaging), the new text proposes different material-specific thresholds:

- Manufacturers and distributors who place more than 80 tonnes of glass on the market each year, or more than 50 tonnes of paper/board, or more than 30 tonnes of the other materials subject to material-specific targets, must submit packaging data annually.



- Companies below these thresholds, but who place more than 3 tonnes of glass on the market each year, or more than 2.5 tonnes of paper/board, or more than 1.5 tonnes of the other materials must submit packaging data every three years, and do not need to get their data audited.
- Companies below the lower thresholds above are not required to submit data unless the waste management authorities request this.

**Non-deposit drinks containers made of bio-plastics:**

The new text singles out drinks containers made from bio-plastics not subject to the mandatory deposit. Such containers must participate in a dual system, unlike bioplastic packaging used for other product categories, which is exempt from the take-back obligations until 2012.

**Deposits**

The proposed changes to the deposit arrangements are largely the same as those in earlier drafts. Of note is that the repeal of the exemption for drinks for special diets remains. This proposal had been included in the October draft of the proposal without consultation. That it is still in the new text suggests that it has been supported by stakeholders.

**Entry into force:**

The Federal Government still anticipates that the revised Ordinance will take effect on 1 January 2008.

DSD has welcomed the new proposal, which establishes clear ground rules for competition between different dual systems and requires all sales packaging to participate in a dual system. The proposal has also received a positive response from BDE, the waste association that represents the larger waste management companies. BDE welcomes the new proposed measures that are designed to reduce free-riding and the clearer rules for competing dual systems.

**Germany: infringement procedure closed**

The European Commission has decided to close its infringement proceedings against the mandatory German deposit system notwithstanding some evidence that discrimination persists to the detriment of the Internal Market. On 23 March it stated that the rules applied now complied with the requirements concerning the free movement of goods and the Packaging and Packaging Waste Directive, despite the urgings of the drinks industry to keep the case open.

“Germany’s deposits system remains extremely costly and burdensome and still causes genuine market barriers, especially for some traditional drinks importers which have either not re-entered the German market or are victims of the way it functions” said Bob Schmitz of Beverage Can Makers Europe (BCME), who has been involved in this case since it began.

**Slovenia: packaging guidelines**

The Slovenian authorities are drafting guidance to help companies produce a conformity statement for all packaging materials in order to comply with the Essential Requirements of the Packaging and Packaging Waste Directive.

The Slovenian Government issued a Decree on the management of packaging and packaging waste that was published on 8 August 2006 and entered into force on 23 August 2006. Articles 8 and 9 of the Decree regarding companies’ obligations to conform with the Essential Requirements entered into force on 1 January 2007. No additional time is provided for them to adapt to the requirements of those two articles.

The Slovenian system requires companies to certify every single different type of packaging, which industry fears could be a rather bureaucratic and costly exercise.

## EUROPEN News

### New Regulatory Affairs Committee Chair



Steve Anderson

After serving a record eight years as Chairman of EUROPEN's Regulatory Affairs committee, Steve Anderson (Unilever) has retired from the position. Elisabeth Comere (Tetra Pak) has been appointed

by the Executive Committee of EUROPEN as the new chair of the Committee. EUROPEN thanks Steve for his commitment and hard work over the years and wishes Elisabeth well.



Elisabeth Comere

### Council of Members: Spring and Summer

The Spring Council of Members was held at the Crowne Plaza hotel in Brussels on 19 March and was well attended by both members and guests. The meeting coincided with the US Sustainable Packaging Coalition's Spring meeting from 21-23 March in Brussels (see article below), and EUROPEN was delighted to welcome some of our US counterparts to our Council of Members meeting.

This meeting was packed both in terms of attendance and content, reflecting the busy period preceding the meeting. Bill Duncan of ASSURRE highlighted some home truths about waste-to-energy processes and plants and brought members up to date on the status of discussions on recovery versus disposal classifications in the current revision of the Waste Framework Directive. Laura Rowell (MeadWestvaco) kindly outlined the latest developments and some concerns about the Wal-Mart packaging scorecard (see article on page 2).

On the administrative side, members were reminded that a new Executive Committee for the period 2007-2009 will be elected in June and nominations for candidates were invited.

The Summer meeting is traditionally held outside Brussels and will take place this year on 12 June at the new Dolce La Hulpe hotel. La Hulpe is located about 15 kms from Brussels airport and the hotel and conference centre has recently been renovated in a distinctive style.

We have invited an official from the European Commission to brief members on the EU's forthcoming Sustainable Consumption and Production Action Plan.

Further details will be circulated in due course.

### US Sustainable Packaging Coalition, Spring Meeting

The US Sustainable Packaging Coalition (SPC) held its spring meeting in Brussels this year on 21-23 March. The object of bringing the meeting to Europe was to expose American members to European policies and best practices related to packaging and packaging waste management. On the eve of the meeting, EUROPEN's Executive Committee hosted the SPC's Executive Committee for a dinner at the Maison du Cygne on Brussels' Grand' Place.

The meeting began with sessions on the legislative context in the EU and included a presentation by EUROPEN. It continued with presentations on various producer responsibility and product stewardship schemes in Europe and the US. Participants then turned to sustainable design and how to implement and report on 'sustainability', appropriate use of life-cycle analysis, and recovery methods and best practice. The meeting concluded with sessions on the sustainability of packaging materials.

### New National Organizations join EUROPEN

Two new national packaging and environmental organizations have affiliated with EUROPEN. We are pleased to welcome ARAM from one of the EU's newest member states, Romania. ARAM is based in Bucharest and its membership includes both Romanian companies

in the packaging and packaged goods sector and international companies, many of whom are members of EUROPEN. The Secretary General of ARAM is Mr. Doru Cristiu (email: [aram@xnet.ro](mailto:aram@xnet.ro)).

We also welcome to EUROPEN the packaging and environment grouping RusPEC, Russian Packaging and Environment Coalition. Like that of ARAM, the membership of RusPEC is composed of both Russian companies and international companies from the packaging and packaged goods sector. Their headquarters is in Moscow, and their Director is Dr. Natalia Nesterova (email: [natalia.nesterova@cchbc.com](mailto:natalia.nesterova@cchbc.com))

Membership of these organizations is open to any company from the packaging sector with business interests in these countries. We urge all companies to support their important work on behalf of industry.

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#### Learn from the experts at Packaging Summit Europe



Successfully launched last year, Packaging Summit Europe returns to Amsterdam from 26-27 June 2007. Repeating the popular format of a two-day conference, table-top exhibition and networking functions, this pan-European event will address the major challenges and identify new opportunities for brand packaging.

Taking as its theme, *'A New Vision For Packaging: Commercial, Sustainable and Creative'*, packaging experts from major brands such as *Unilever, Sara Lee, Carrefour, Asda, Wal-Mart, Marks & Spencer and Musgrave Budgens Londis* will share their visions and experiences on topics ranging from customer impact through *packaging design, retail-ready packaging, sustainable packaging and future consumer trends*.

They will be joined by top speakers from leading packaging industry 'think tanks' such as EUROPEN, Pure, WPO and EPIC, presenting their views on critical environmental and economic issues.

Delegates also have the opportunity to view the latest products and developments from over thirty innovative suppliers as well as network with fellow brand packaging professionals. Visit [www.pkgeurope.com](http://www.pkgeurope.com) and see page 12 for more information.

*EUROPEN members receive a 15% discount.* Please use the code ASS15 when registering to qualify for the discount.

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#### Packaging Recovery Fees 2007

An overview of European packaging recovery organisation fees and deposit systems is now available to download from the Members Area of the EUROPEN website. It includes fees for 2007 and previous years.

Key Topics / Used Packaging / Recovery  
<http://www.europen.be/?action=onderdeel&onderdeel=3&titel=Key+Topics&categorie=2&item=18>




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- How are Europe's leading brands meeting retailers' changing expectations? What do they really want from their packaging suppliers?
- How do you get a European-wide perspective on what consumers want and insights into meeting the cost vs innovation equation?
- How new materials and designs will enable cost reduction and streamline workflow processes creating a new 'speed-to-market' spin?
- PLUS: focus on the hottest news on the environment, carbon trading and sustainability through cost cutting.

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**REGISTER TODAY:** [www.pkgeurope.com](http://www.pkgeurope.com)

## Events listing

Event	Location	Date
EUROPEN Regulatory Affairs Committee	Brussels	8 May 2007
TOTAL	Birmingham	15-18 May 2007
EUROPEN Executive Committee	Brussels	22 May 2007
EUROPEN Council of Members	La Hulpe (Belgium)	12 June 2007
Packaging Summit Europe	Amsterdam	26-27 June 2007
EUROPEN Regulatory Affairs Committee	Brussels	20 September 2007
EUROPEN Executive Committee	Brussels	4 October 2007
EUROPEN Council of Members	Brussels	25 October 2007
EUROPEN Regulatory Affairs Committee	Brussels	29 November 2007
EUROPEN Executive Committee	Brussels	13 December 2007

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