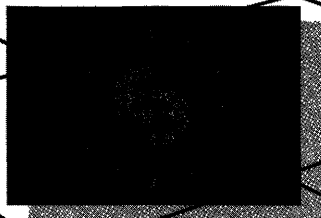


ECONOMIC AND SOCIAL
CONSULTATIVE ASSEMBLY

1993



Packaging Waste

EUROPEAN
COMMUNITIES



ECONOMIC AND
SOCIAL COMMITTEE

Brussels 1993

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INTRODUCTION

The involvement of the socio-economic partners in defining 'sustainable development' has been a concern of the Economic and Social Committee for some time. The Committee is a forum in which different interests and schools of thought meet in order to work towards a joint approach. It thus played an active role in the formulation of the Community's new programme of environmental policy and action, and warmly welcomed the programme's adoption by the Council of Ministers.

The programme lays great stress on participation and partnership, and is based on the assumption that a sustainable development policy is only feasible if it involves ordinary citizens to the widest and most democratic extent possible.

Environmental protection now figures among basic democratic rights - and it is no coincidence that the Committee's proposal for a Community social charter included among the rights of EC citizens the right to an unpolluted environment.

The safeguarding of this right also entails duties and obligations which must be shared equitably, by adopting a wide range of legislative and other instruments. The aim is to launch a new stage in development, and this presupposes dialogue between all the parties involved.

The Economic and Social Committee has been advocating such a dialogue for many years. The Committee is the EC's umbrella organization both for the traditional economic interest groups (management and trade unions, farmers) and for the new groupings that have sprung up over the last twenty years, such as consumer and environmental organizations. The Committee provides a forum for discussion of the Commission's legislative proposals, its aim being to reach a consensus view. The Committee firmly believes that there should be similar dialogue at local level, and has often hosted hearings and debates (for example, in connection with the European Year of the Environment and the Green Paper on the Urban Environment) involving local authorities, trade unions, industrialists, environmentalists, and other groups. This is in keeping with the subsidiarity principle, which holds that measures should be carried out at the most effective level and that centralization and institutionalization are not always best.

The Committee followed the same approach for its Opinion on the proposed directive on packaging waste; it endeavoured to garner as much information as possible in order to devise realistic solutions which effectively involve the various tiers of responsibility, while also catering for the necessary back-up measures.

The hearing held on 16 December 1992 brought together a range of interested parties (manufacturers, users from the different links in the distribution chain, trade organizations, consumer and environmental groups). It provided an opportunity for a frank and open debate, thus encouraging a consensus.

The present brochure contains a summary of the initial Commission proposal, a report of the hearing, the Committee Opinion, and the record of the final plenary debate on the subject. In issuing it, the Committee seeks not only to offer some thoughts and recommendations on the subject of waste management, but also to give an insight into its working and debating methods and thus to help inject more openness into Community legislative procedure.

GIST OF THE COMMISSION PROPOSAL FOR A COUNCIL DIRECTIVE ON PACKAGING WASTE

This proposal defines the essential requirements with which packaging must comply as regards composition and characteristics governing re-use and recovery.

A range of practical measures is envisaged to achieve the desired results. They relate mainly to:

- implementation by the Member States of systems for collecting used packaging;
- the drawing-up of management plans by the Member States;
- information for consumers.

The proposal forms part of the Community waste management policy, and follows from the Council request of 7 May 1990.

It is designed to reduce the negative effects of packaging waste on the environment (by recovering or recycling most of it), while contributing to the completion and proper functioning of the Single Market (by ensuring the free movement of packaging which meets the essential requirements of the Directive).

The interest of this draft Directive lies in the precise obligations which would be incumbent on Member States in the ten years after it comes into force:

- recovery (recycling, composting, regeneration, energy recovery etc.) of 90% of packaging waste;
- recycling (including composting and regeneration) of 60% of each material found in packaging waste. By al-

lowing the reintroduction of materials into a new production cycle, this technique has the advantage of reducing the consumption of energy and raw materials. It should be noted that the target of 60% has already been reached in some Member States for certain materials.

To assess how far these objectives are achieved, the Member States will have to equip themselves with management systems which indicate the intermediate stages. They will also have to set up a system of compatible data bases.

To make the objectives easier to achieve, the draft Directive envisages:

- information measures aimed at:
 - consumers, to show them what to do with used packaging (thus, any packaging would be required to carry a harmonized mark indicating whether it can be re-used or recovered);
 - collectors of packaging waste, to show them the nature of the materials used in order to facilitate collection, sorting and recycling activities;
- systems for taking back and collecting re-usable packaging and packaging waste;
- compliance with essential requirements on the composition and nature of re-usable and recoverable packaging, with which the national provisions on production and marketing of packaging, and on management of packaging waste, must conform.

**REPORT ON THE "PACKAGING WASTE" HEARING ORGANIZED BY
THE SECTION FOR PROTECTION OF THE ENVIRONMENT,
PUBLIC HEALTH AND CONSUMER AFFAIRS OF
THE ECONOMIC AND SOCIAL COMMITTEE - 16 DECEMBER 1992, BRUSSELS**

The hearing was opened by Mr BELTRAMI, Chairman, who called on the Rapporteur to introduce the subject of the hearing.

The Rapporteur, Mr COLOMBO, stressed the interest and complexity of the matter under discussion, as borne out by the numerous written contributions commenting on the proposed Directive which had been received from socio-occupational, environmental and consumer organizations. This was an initial instance of testing the approach of promoting co-participation and shared responsibility among the various protagonists in protection of the environment, in response to the aspirations of the new Community programme for sustainable development.

Having established that resources were not unlimited and that action must be taken at source to prevent damage to the environment, a new, environment-friendly, framework for development had to be devised. A radical change in habits was needed and restructuring of production processes was feasible. Industry must face the challenge and the trade unions should spot the opportunity for the creation of new jobs. Already a number of new instruments had been framed at Community level (e.g. ECOLABEL and ECOAUDIT) to alleviate the harmful effects of production processes and products on the environment. The successive proposals on waste management reflected the urgency that this problem had assumed at Community and world levels and placed emphasis on prevention at source.

As regards packaging, emphasis on prevention presupposed an examination of the relationship between container and content; only packaging strictly necessary for conservation, health and transport safety reasons should be used. As regards waste, a separate collection system requiring a cultural leap on the part of consumers should be introduced. The order of priority was: re-use, recycling, incineration and, in the last resort, final disposal.

To attain these goals it was vital to encourage research and technological development and analysis of the lifecycle of materials. In addition provision had to be made for economic instruments encouraging the requisite conversion. Lastly, the advisability of specific derogations for particular types of packaging had to be appraised.

However, it was urgent to adopt a Community reference framework. If the national policies already being applied (e.g. the experiment in Germany and the recent "ecotax" measures currently under discussion in Belgium) were to be consolidated, it would become increasingly difficult to harmonize management of a sector which was of key importance (also in its impact on the internal market).

The viewpoints put to the Rapporteur and the Study Group had differed substantially: the hearing could provide an opportunity to scrutinize them in frank and open debate with a view to finding points of convergence.

Mr Giuseppe BARDINI (PRO CARTON) then spoke. For the paper and board sector, which had excellent recycling possibilities, the aims indicated in the proposed Directive were attainable only if separate collection was well organized, as in the case of the German dual system. Nonetheless action must be taken to inform and educate consumers. Further, some freedom of manoeuvre was needed as regards recycling versus incineration and innovation should be encouraged.

Mr Andreas GOLDING (EEB) stressed the priority of recovery and re-use of packaging and cited examples of economic instruments acting as incentives, such as the taxes adopted in Italy on plastic bags. Incineration could not be assimilated to recycling and the Directive's provisions on marking should distinguish between these two processes of recovery.

In contrast, Ms Catherine RECKE (CECD-FEWITA - European Retail Trade Confederation) wished incineration and recycling to be placed on an equal footing since there was no proof that re-use and recycling were always more environmentally desirable. There was a tendency to consider the retailer as the ideal point for collection of packaging waste but the retail sector objected to being burdened with this task, just as it was highly dubious about pay-deposit systems. She drew attention to the problems of imports from non-EC countries; how could compliance with any measures adopted at Community level be enforced? Lastly, she opposed the idea of different marking according to the type of treatment the packaging was to receive. The producer could not know this in advance.

Mr Andrew SOMOGY (FEVE - European Federation of Container Glass) welcomed the Commission proposal's stress on recycling as well as on equal treatment of different materials in attaining targets.

He found the 60% recycling target feasible. On the other hand, the overall EC target of 90% for recovery of packaging waste seemed too ambitious. A 75% target would be more realistic. He was opposed to discrimination against heavier materials, and hoped that it would be made clear that recovery was the aim to be pursued for all materials, as in the case of recycling.

He referred to the technological innovation experiences of the glass container sector, which was particularly suited to recycling, and to the experiments in collection, selection and the production of recycled glass that were in progress in a number of Member States.

With reference to Annex II, and the restriction of dangerous substances, he took the view that the focus should not be on concentration as such but on the reduction of emissions, since that was the stated aim.

Lastly, he called for procedures for the consultation of industry on the technical Annexes.

Mr Ernst-Michael EPSTEIN (SETA) welcomed the Commission's initiative but would have preferred Article 130s (protection of the environment) as a legal basis to allow scope for more dynamic protection measures by the Member States (e.g. the new Danish system for bottles). He was opposed to equating re-use, recycling and incineration and called for a well-determined order of priority to preserve resources as much as possible: incineration was a waste of resources. Differentiated quotas should be established for materials on the basis of lifecycle studies and an annual per capita ceiling set for packaging waste.

He drew attention to the problems of workers in the waste processing industry and advocated standardization of packaging on the basis of specific criteria established by the Commission.

As regards marking, he was in favour of distinguishing between recycling and incineration.

Ms Nancy RUSSOTTO (European Packaging Chain Forum and APME) recommended a clearer definition of the criteria contained in the Directive to provide precise guidelines for harmonization. She had reservations regarding the targets which should be differentiated material-by-material according to the actual feasibility of recycling. 60% of glass could be recycled, while plastic bottles and solid plastic could achieve the same target. The situation was very different in respect of very light plastic materials but these had other advantages in environmental terms since they saved resources (wrapping weighing no more than 4 grams) and kept down transport costs and transport-related energy consumption. In this instance incineration should be seen as retrieval of energy and beneficial to the environment.

Mr David SANDFORD (EFPA - European Food Service and Packaging Association) concentrated on the problem of one-way food containers, for which more suitable materials were being introduced which took account of consumer needs (materials for food and hot drink containers could not be reduced beyond a certain weight). Re-use was not appropriate for such packaging, nor was the use of recycled material in contact with food.

He also pointed to the limited market outlets for recycled materials and the benefits of incineration. Mistaken ideas existed, such as the belief that all new paper production

implied the destruction of the Amazon forest: in reality the pulp came from North European forests which were constantly being renewed.

He regarded the target of reducing waste for final disposal to 10% as over-ambitious and advocated a more realistic approach, based on regular updating of targets. He mentioned the German experiment and the risks involved: the recovered waste had to be transported elsewhere, thereby shifting the problem. The superiority of re-use over recycling was far from proven, as shown by the lifecycle studies carried out to date.

Mr BOISSEREE, ESC member, returned to the question of priority. Conservation of resources must be the key criterion. Consequently it was necessary to assess the resources wasted in connection with incineration. Another problem was the reduction of superfluous packaging. He called for the use of economic instruments exercising an environment-friendly influence on the market. Deposit systems must be encouraged to promote re-use. As regards the consultation procedures provided for in Article 17, trade unions and environmental and consumer bodies should be consulted as well as industry.

Mr TIXIER, ESC member, stressed the problem of prevention at source and the importance of organizing separate collection. Consumers were not clamouring for superfluous packaging.

Mr KAFKA, ESC member, summarized a number of arguments that had arisen in the discussion. Firstly, the matter of markets for recycled materials. In the United Kingdom there was a surplus of recycled paper from Germany which was being thrown away because of lack of demand. Should the use of recycled materials be made compulsory?

How could consumer behaviour in sorting waste be monitored? Dirty packaging could be neither re-used nor recycled.

How were composite materials (plastic/paper) to be separated?

Further research into lifecycles was needed to ascertain what was really the most environment-friendly solution.

Mr JASCHICK, ESC member, wondered why re-use was not always preferable to recycling and incineration. People had to educate themselves to conserve resources and re-use was an attitude to be encouraged. He asked Mr GOLDING to give a clearer explanation of the reasons underlying the order of priority for the targets.

Mr FRERICHS, ESC member, asked for clarification of the problem of imports from non-EC countries as well as of packaging which had been in contact with toxic and dangerous substances.

The Rapporteur, Mr COLOMBO, asked the guest experts to be less diplomatic and to suggest how best to proceed towards an EC Directive. The hearing should pave the way for a number of (scientifically grounded) moves forward

and not just record the gaps between the various standpoints. A dynamic approach was needed, commensurate with the urgency of the waste accumulation problem. It was increasingly difficult to find new disposal sites and incineration raised problems, partly on account of the greenhouse effect: the conclusions of the Rio Conference had to be borne in mind and sustainable development must be the goal.

Ms Stefania MAURINO (Confartigianato) stressed the importance of harmonization since small businesses knew very little about the differing national legislation in other Member States. The return systems would have to be harmonized and monitored to prevent distortion of competition. In her view, ten years would not be too long a timescale in view of the need for a radical change in producers' behaviour, which presupposed effective information and training measures.

She advocated derogations for micro-packaging and "one-off" artistic craft products. Generally speaking, she called for greater attention to be given to the problems of SMEs, especially when it came to the compulsory information to be supplied by filling in confusing forms (data banks).

Mr Pascal LEARDINI (EFPIA) endorsed the Commission's overall approach but drew attention to the technical difficulties of application in respect of primary packaging for medicinal products, which he wished to be excluded.

For safety reasons recycled materials could not be used while labelling and information requirements made it impossible to reduce the volume. Most important, the quantity and quality of the materials were an integral part of the registration dossier.

Mr Jean-Pierre HANNEQUART (Brussels Environment Management Institute) argued that the proposal did not live up to the hopes of the public authorities since the harmonization envisaged was insufficient and the Member States still were able to adopt diverging initiatives. It also avoided the matter of responsibility. This burning issue had been dragging on for years as borne out by the case of the Danish bottles system and the recent Belgian ecotax measures. A Regulation, rather than a Directive, was needed, emphasizing quantitative prevention at source (standstill) and establishing that the person placing the product on the market was specifically responsible. The proposal did not indicate who was to shoulder the burden or organize collection systems. Nor did it set out a precise order of priority based on the Community waste management strategy. Without clear Community-level definitions of measures, distortion of competition would result and other markets would be flooded by recycled materials, as was already occurring in Belgium with the huge tonnage of glass originating in Germany.

Mr Reg GREEN (FES-CID) welcomed the proposal on behalf of the chemical industry workers' union and drew attention to the problems of conversion which would arise in that sector, involving job transfers and the need for workers to retrain and update their skills. The Structural Funds and

the Cohesion Fund must assist in facilitating this process and cushion the side-effects for workers while encouraging the creation of new jobs. The impact assessment form accompanying the proposed Directive made no mention at all of these problems. Transition necessitated coordination between public authorities, industry, workers and consumers.

Mr Paul KNOCKER (Beverage Can Makers Europe) stressed the limitations on recycling primary packaging for beverages and food. In addition, there was no scientific evidence that the re-use of bottles did not cause damage to the environment.

He was concerned about the potential obstacles to free movement and restrictions on technological progress.

Mr Bernd LINDEMAYER (BGA) found the target of reducing waste for disposal to 10% over ambitious. He mentioned the problem of jute sacks used for transporting imports from non-EC countries. In Germany there was a surplus, which could not be recycled, and incineration was the only solution.

Mr Ingmar STREESE (European Heritage Fund) favoured Article 130s as legal basis to allow the Member States to take further measures. He advocated a clearer order of priority encouraging the conservation of materials. The use of recycled materials must be encouraged. European, as well as Amazon, forests needed to be protected.

Mr Volkmar WULF (CITPA - International Confederation of Paper and Board Converters) repeated that European forests were increasing. Of course recycling should be encouraged but the possibility of incinerating non-recyclable materials must be guaranteed.

Mr A. BORCHARD (COPA-COGECA) called for the speedy adoption and application of Community measures in this sector. Management systems needed to be more clearly defined to avoid distortion of competition. He pointed out that packaging made of renewable raw materials and biodegradable farm products could help in protecting the environment and regretted that no mention of this matter was made in the Commission proposal. He was in favour of standardization provided that the brand image of products did not suffer. He expressed concern over potential imbalances resulting from the adoption of differing economic instruments.

Mr GANAPINI, the Rapporteur's expert, wished for fuller statistics and asked the guest participants to contribute their views on environmental impact assessment and lifecycle research. This was a critical point and no common procedures existed. Often figures were out of date and based on an incomplete analysis of the energy aspect of the product cycle. When ranking re-use/recycling/incineration in priority, the second principle of thermodynamics applied: incineration gave a low energy return (7% in the case of urban solid waste incinerators).

Mr David SANDFORD explained that water, detergent and energy were required in order to re-use packaging. Consequently re-use was not always environment-friendly.

Mr Andreas GOLDING referred to a Swiss study on prioritization (of which he would forward a copy). Recycling could occur three times as compared with ten times in the case of re-use. The consumer had to be involved, with compulsory deposit systems. The quality of recycled products must improve so as to encourage consumption. Already more recycled paper was being used. But attention must focus first and foremost on prevention.

Ms Catherine RECKE acknowledged that prevention obviously had to be the main aim. But up to what point could prevention be pushed? Packaging could not be reduced beyond a certain limit. Consumer requirements had to be borne in mind. The freshness of certain products needed to be preserved. The respective merits of re-use and recycling could not be established without research into lifecycles. Retailers could not cope with the space, cost and labour constraints involved in taking charge of the retrieval of packaging. A solution at household level was preferable.

Mr BOISSEREE, ESC member, observed that packaging had been reduced as a result of the measures adopted. Prevention must be encouraged by apposite measures.

Mr TIXIER, ESC member, was in favour of banning superfluous packaging. There was considerable scope for reduction if components that were nothing more than advertising were discouraged.

The Chairman, Mr BELTRAMI, stressed the importance of educating and informing consumers and praised the German dual system, accompanied by the distribution of information to households and the promotion of environment-friendly and re-usable packaging.

When the hearing resumed in the afternoon, the Rapporteur, Mr COLOMBO, praised the high quality of the contributions and the data provided on the development of recovery and recycling capacity in specific sectors. Market outlets for recycled material needed to be identified in the realization that innovation was necessary and there was no place for protecting the status quo. Consumer awareness was greater than was believed; consumers were not militating for superfluous packaging. A defensive stand focusing solely on costs and constraints was unacceptable. A political choice had to be made.

Referring to the plethora of lifecycle research systems, Mr Giuseppe BARDINI said that many were subjective and served promotion purposes. Standardization was urgently needed. He referred to the OECD statistics indicating that packaging accounted for 20.8% of all waste, 2% of gaseous emissions, 1.5% of water consumption and 3.7% of energy consumption.

Mr Dieter VOGT (FEAD) pointed to the lack of outlets for recycled products and the desirability of retaining the

incineration option, unless lifecycle studies advised otherwise. It was better to invest in clean incineration than in recycling without market outlets.

Mr Jean-Pierre HANNEQUART again mentioned that the proposed Directive contained no mention of the concept of prevention. A market had to be created for recycled products accompanied by an obligation for producers to take back packaging and the mandatory inclusion of a certain proportion of recycled materials in packaging, as in the United States. Economic instruments to promote recycling and recycled products had to be adopted along harmonized lines to prevent the transfer of materials from country to country.

Mr Bernd LINDEMAYER opposed authoritarian economic instruments, which would be tantamount to the failed planned economies of the East European countries. Return systems were too cumbersome and industry could not shoulder the costs.

Mr BOISSEREE, ESC member, felt that the mandatory deposit system had produced positive results in Germany in indirectly reducing packaging. It was not a matter of excessive regulation but of encouraging industry, through incentives, to opt for a system of voluntary restraint. A market had to be created for recycled materials and recycling plants had to be built.

Mr Volkmar WULF mentioned certain agreements concluded in Germany on the re-use of transport-related packaging and the collection of superfluous packaging in supermarkets.

Mr Andreas GOLDING referred to the bottle deposit system which was in operation and could be extended to other packaging intended for re-use. The mandatory deposit also facilitated collection for recycling because of the pre-selection involved. In Germany it had proved possible to replace one-way packaging by re-usable packaging and, more generally, to devise new packaging causing less damage to the environment.

The Chairman, Mr BELTRAMI, referring to the outlet for secondary raw materials, held that there would be a transitional phase in which a number of problems would have to be solved. Care should be taken to keep down recycling waste, to separate the various types of plastic materials (a system of selection using magnetic fields had already been developed and the plant would be operational in two years' time) and to find other systems of use for plastics (e.g. in the use of minerals in reduction processes to retrieve metals or in cement works to reduce other energy resources). Legislation could exercise pressure to encourage technological R&D.

New methods could also be developed for returnable packaging, with the creation of pools as in the case of pallets.

Ms Catherine RECKE explained that retailers were not categorically opposed to the deposit system, which was feasible at regional and local levels but involved problems

for the Europe-wide single market. Costs would be greatly increased if empty bottles had to be brought back to Italy from Germany.

Mr Jean-Marie JUNGER (EFPA) said that the system of re-using pallets was in operation but in other cases re-use was impossible. Feasibility rates for re-use therefore needed to be determined. Bottle containers were not harmonized and the re-use obligation could become a device for fixing import quotas.

Mr BOISSEREE stressed that the large companies had already decentralized collection and processing systems.

Mr Volkmar WULF again referred to the problem of one-way packaging, which in some cases was unavoidable.

Mr Jean-Pierre HANNEQUART argued that waste selection within the home was feasible and that the general public was willing to cooperate. Sorting centres existed and operated. New production channels with new outlets were possible, especially in connection with public works. The market must combine with strategic measures to make retrieval an obligation respecting the principle of internalizing waste costs. The conditions had to be created for the market economy to provide the solution to problems. Charges would be fixed on the basis of recovery and recycling potential.

Ms Nancy RUSSOTTO returned to the difficulty of recycling light and flexible plastics. Rigid plastic presented no problems.

Mr FRERICHS, ESC member, referred to the data banks envisaged in the Commission proposal.

Mr JASCHICK, ESC member, asked for further information on employment problems.

Mr Volkmar WULF pointed to the strain that supply of information placed on industry; SMEs above all could not be overburdened.

Mr Bernd LINDEMEYER argued that importers in particular were unable to provide too detailed statistics.

Mr BADEN FULLER, Group III expert, stressed the difficulty of quantifying movements of waste. It was easier to provide data on production processes but hard to determine the volume used.

Mr Andreas GOLDING mentioned the possibility of creating jobs (including skilled jobs), by providing training, in connection with rationalization of waste management.

Mr Jean-Pierre HANNEQUART felt that job creation depended on the system opted for. Selective collection had already created 100 new jobs in Brussels. New posts had also been created in communications and information along with new, less skilled waste-handling jobs.

Mr GREEN recalled that workers in the sector affected by conversion were often the last to be taken into consideration. He stressed the priority importance of clean technologies at source. The transition must be financed to make it acceptable.

Mr BELTRAMI pointed out that the German dual system, on the administrative side alone, had resulted in 54 new jobs.

Mr GANAPINI stressed the difficulty of appraising the impact of the environmental directives on employment. Undoubtedly new opportunities arose in connection with the development of new materials, collection and selection procedures, introduction of new technologies and the emergence of new occupational profiles, especially in the communications sector. An interesting example was the dismantling and retrieval of old cars.

The Rapporteur, Mr COLOMBO, said that, for the trade unions too, employment could not be a deterrent to a higher quality of life. Further, it had been proved that innovation created new job prospects. It was impossible to take a narrow view: how many jobs would be lost in such and such a sector and how many would be gained in another. A dynamic global approach was needed. New markets were opening up for environment-friendly industries.

Mr VERMEIR, EC Commission (DG XI), responding to a set of criticisms levelled against the proposed Directive, pointed out that it was an initial tangible step, preceded by 15 years or more of debate and controversy. It had been claimed that the Community waste-management strategy's order of priority was not respected; the problem was not to cite it in an article since it was the inspiration behind both the direct and indirect recommendations of the Directive. The direct effects were reflected in the definition of the "essential requirements" to be met by packaging, the indirect effects in the upgrading and recycling targets, which inevitably meant reduced use of primary materials at source.

The market in secondary materials would also expand as a result.

The global approach to treatment of materials was a provisional stage pending more detailed information on life-cycles. In future specific measures and differentiated targets could be adopted at sectorial levels.

Data banks were vital in this initial stage for the purpose of framing appropriate measures. In many Member States such data had already been compiled.

The Chairman, Mr BELTRAMI, wound up the hearing by thanking the speakers. This initiative had proved most productive in moving closer to a position of consensus. That indeed was the Committee's mission: to provide a contribution grounded on the fullest possible direct knowledge of the viewpoints of all parties concerned so as to arrive at practicable solutions effectively involving the various levels of responsibility.

OPINION

of the
Economic and Social Committee
on the

Proposal for a Council Directive on Packaging and Packaging Waste
(COM(92) 278 final - SYN 436)

On 11 September 1992 the Council decided to consult the Economic and Social Committee, under Article 100a of the Treaty establishing the European Economic Community, on the

Proposal for a Council Directive on Packaging and Packaging Waste
(COM(92) 278 final - SYN 436).

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 2 March 1993. The Rapporteur was Mr COLOMBO.

At its 304th Plenary Session (meeting of 24 March 1993) the Economic and Social Committee adopted the following Opinion by a substantial majority, with two dissenting votes and one abstention:

1. Introduction

1.1. The proposed Directive is a key link in the interface between environmental protection policy and the completion of the Internal Market. Conflicting interests are at stake, and the problem is aggravated by the differing national approaches and systems. A precise definition of the subsidiarity principle in this particular sphere is also needed.

1.2. The proposal is in keeping with the rationale of the Fifth Environmental Action Programme in that it does not take a solely regulatory approach, lays down long-term targets, and uses a wide range of economic, and market instruments.

1.3. The Committee has striven to make an effective contribution by assembling the fullest possible information and holding direct consultations to ascertain the views of all parties involved (producers, users at the various stages of the distribution chain, trade organizations, consumer and environmental associations), and by encouraging an open exchange of views. A hearing organized for this purpose (report appended) provided an opportunity to assess the proposal and its implications in detail, the aim being (a) to put forward practical solutions which effectively involve the various tiers of responsibility and (b) to determine what accompanying measures are needed.

2. General comments

2.1. Necessity and urgency of Community legislation

2.1.1. The Committee views the proposed Directive as a first step in the right direction. It sets precise objectives and provides a Community instrument which can gradually be tightened up while leaving the Member States some flexibility as regards application.

2.1.2. Such an instrument would seem of the utmost urgency as delays in the formulation of EC legislation in this sector have already generated a proliferation of differing

national strategies. The longer it takes to establish Community guidelines, the more difficult it will be to overcome the practical obstacles inherent in these differing strategies and remedy the environmental damage caused by inaction.

2.1.3. Furthermore, the reference framework provided by EC legislation will serve as a spur for Member States and regions which have been slow to act. In this context the Committee calls for guidelines and instruments to assist the catching-up process (see 2.3.5. below).

2.2. Objectives

2.2.1. The proposal's main objective is to minimize the total impact on the environment of packaging and packaging waste, taking into account not only quantitative but also qualitative aspects and chemical composition (see 15th recital in the preamble). It also seeks to avoid barriers to trade and distortion of competition, while guaranteeing a high level of environmental protection (see 11th recital).

2.2.2. The proposed measures form part and parcel of the Community's waste management strategy¹ which gives priority to prevention, recovery and recycling, in that order. Final disposal comes last on the list.

2.2.3. The Committee is aware that packaging only accounts for part of total waste output (25%-35% by weight of domestic waste), and there is clearly no denying its socio-economic contribution (safe transport - hygiene - consumer information). However, it generally does cause significant environmental problems, and so action is needed to reduce it. The following order of priority should therefore be considered:

- elimination/reduction of superfluous packaging;
- prevention/reduction of the volume of one-way packaging and organization of separate collection and processing systems, keeping waste transport to an absolute minimum;
- re-use of packaging (multi-use system);
- recycling of packaging waste (with material and chemical recycling taking priority over incineration);
- only in the last resort, final disposal.

2.2.4. In pursuing this order of priority, the effectiveness of recovery systems as well as the socio-economic impact of the measures must be considered, and appropriate corrective action taken. An analysis of the lifecycle of materials is urgently needed, in order to gear targets more closely to the recycling potential and environmental impact of the different materials. Multi-use packaging is preferable unless there are objections on the basis of life-cycle analyses.

2.2.5. When framing EC packaging rules, the right balance must be observed between containers and their contents in order to ensure hygiene and consumer safety and

¹ Council Resolution of 17 May 1990, OJ No. C 122 of 18 May 1990

acceptability while limiting packaging in line with the nature of the particular product. From the quality angle, the use of noxious and dangerous substances must be kept to a minimum and their environmental impact assessed up to and including the stage of final disposal. Suitable packaging is needed to prevent deterioration of the contents (especially foodstuffs of agricultural or industrial origin) which would aggravate waste.

2.3. *Legal basis, scope for national initiative, subsidiarity*

2.3.1. Though the proposal's aim is to protect the environment, the Commission has chosen Article 100a as legal basis since completion of the Internal Market and free movement of goods are clearly impeded by diverging strategies, which create new barriers.

2.3.2. In the Committee's view, it cannot be argued that use of this legal basis relegates protection of the environment to second place and stands in the way of more stringent rules, since Article 100a(3) states that harmonization is to be based on a high level of protection and, above all, Article 100a(4) states that a Member State may notify the Commission of national provisions deemed necessary on grounds of major needs relating to protection of the environment, provided that they do not constitute disguised restrictions on trade.

2.3.3. Further, the Committee regards Article 13 as providing sufficient scope for requirements regarding appraisal of compliance by national measures and does not rule out the examination of economic measures adopted by the Member States. As regards criteria, the proposal comprises two sets of provisions: Annex II, which outlines essential requirements, and Article 12 relating to "standardization".

2.3.4. It is worth noting that those Member States which already have highly developed rules and management systems tend to invoke the principle of subsidiarity for purposes of expanding the room for manoeuvre at national level, in contrast to Member States which lack regulations or proper collection and management systems and are faced with organizational, training and financing problems.

2.3.5. To remedy existing discrepancies, the Committee asks the Commission to consider how best the Structural Funds and the Cohesion Fund, as well as the LIFE scheme, can help with the implementation of the required measures. Here particular heed needs to be given to the situation of remote island regions.

2.3.6. Specific measures will have to be drawn up for SMEs, paying special attention to their difficulties in integrating into the collection and recovery systems operating in other Member States.

2.3.7. Lastly, though it would seem that the flexibility allowed for in the proposal can provide the impetus for far-sighted solutions, the Committee feels that the following guidelines should be laid down right now for compliance by national measures:

- they should take account of the Treaty and other EC provisions (especially those concerning consumer protection, health, safety and hygiene) and considerations regarding industrial property, authenticity and the technical aspects of the packaged goods and the materials used;
- they should cover all enterprises without exception and not discriminate against any types of packaging, materials, products or waste-management systems;
- they must be clearly linked to the desired objective; their effectiveness must be provable;
- at the same time any negative effects on trade should be kept to a minimum;
- implementation requires close co-operation between all those involved: government, business, consumers and other concerned sectors, in a spirit of communal responsibility and non-discrimination.

2.3.8. If the conflicts between Member States' respective requirements become much worse, they could lead to fragmentation of the Internal Market and uncontrolled transfers of waste from one Member State to another. Such phenomena can already be observed and are causing market frictions and tensions.

2.4. *Co-responsibility of economic operators, relevant authorities and consumers*

2.4.1. To achieve the proposal's aims, the various interests concerned (including the competent authorities and particularly consumers) must be actively involved so that the financial burden and responsibilities can be spread fairly.

2.4.2. The Committee has reiterated this principle for many years, notably in its Opinions on the "Urban environment"² and the "Community programme of policy and action in relation to the environment and sustainable development"³ while highlighting the need for ongoing dialogue and ad hoc structures. It has offered to make available its own experience and contacts with the organizations represented within its forum.

2.4.3. Attention is drawn to the active contribution that consumers - the end users of packaging - can make in altering behavioural patterns and speeding up the changes required to improve quality of life.

2.4.4. As well as regulatory and economic measures, the proposed Directive will clearly require action to inform and educate the general public and the specific sectors involved. The relevant socio-economic and non-governmental organizations will have a key part to play here.

2.4.5. Earlier ESC Opinions have pointed out that an extensive training and information programme, starting at school, is needed to persuade the general public to participate actively in the sorting of waste.

² OJ No. C 269 of 14 October 1991

³ OJ No. C 287 of 4 November 1992-81

2.4.6. Other methods recommended by the Committee include training programmes for municipal officials, exchanges of information among administrative bodies, especially those of large conurbations, campaigns to promote awareness and town-twinning schemes.

2.4.7. The health risks to staff in waste collection and sorting activities are an important aspect of vocational training as such.

2.5. *Environmental measures, competitiveness and employment*

2.5.1. When considering the planned ten-year reorganization of collection and treatment of packaging waste with a view to environmental protection, attention must also be paid to the implications for employment, in terms both of job losses and of the emergence of new sectors and specializations that can generate new jobs. Employment considerations must not act as a deterrent to the provisions, but they do imply a study of the requisite accompanying measures.

2.5.2. An accurate forecast of trends means that early action can be taken to promote redeployment schemes and vocational training to meet the new requirements. Failure to do this could trigger the type of defensive reactions that have occurred in some Member States, which only delay the implementation of the measures.

2.5.3. In a period of economic difficulty, recovery cannot be divorced from sustainable development; indeed, such development can encourage it.

2.5.4. The Committee therefore notes with satisfaction the recent Council Resolution on industrial competitiveness and environmental protection⁴ and in particular the Council's invitation to the Commission to "give greater emphasis to the development of environmental technologies including cleaner technologies". It would add that technological innovation to improve the environment can bolster competitiveness and development, thus also boosting employment.

3. Specific comments

3.1. *Definitions (Article 3)*

3.1.1. A fifth indent should be added in paragraph (a) to include "added packaging", viz. packaging added at the marketing stage to packed or non-packed products.

3.2. *Quantified targets and the global approach to waste (Article 4)*

3.2.1. The Committee notes that the Commission has abandoned the stand-still provision (see page 13 of the explanatory memorandum) laying down a specific quantified limit for packaging waste (150 kg per capita per year) and has opted to keep final waste disposal to a minimum (10% by weight within ten years), and put the emphasis on recovery, including recycling (60% by weight of each material).

3.2.2. This approach may seem inconsistent with the priority which the waste management strategy accords to prevention at source, but it takes account of the redeployment needs implicit in achievement of the targets. Moreover, the drastic change in habits which the proposal is instigating should bring an indirect reduction in packaging per se, as experience has shown in some Member States which have favoured reuse and recycling.

3.2.3. In the Committee's view, the ten-years' end-target laid down in Articles 4(1)(a) and 4(1)(b) should be considered binding⁵ the intermediate targets, which are left for the Member States to determine, should be based on the order of priority listed in Point 2.2.3.

3.2.4. If it emerges from the lifecycle analyses that some materials are clearly less environmentally harmful than others, the Commission proposal that no distinction be made should be reconsidered.

3.2.5. There should be more technological and scientific research so as to provide a clearer picture of the "lifecycle" of materials; greater emphasis should be placed on re-use and recycling.

3.2.5.1. More particularly, since the use of renewable and biodegradable raw materials of agricultural origin can help to reduce the environmental impact of packaging, the Committee recommends that their potential contribution be explored further, for example by means of special research programmes.

3.2.6. In the Committee's view, the changes imposed by the new provisions need to be backed by specific EC research programmes on the recovery of resources achievable by separation of materials and the alternative use of the materials thus obtained. Markets must also be created for the recycled materials by encouraging technological innovation. With this in mind, it is also important for the Member States to remove existing constraints on the use of recycled materials where feasible, and respecting any health regulations.

3.2.7. Rapid technological advances have been made in providing more effective conservation, lighter packaging materials, and packaging which is better adapted to changing consumer needs. As a result of legislation and greater public interest in the quality of the environment, environmental impact considerations have already prompted innovative projects, which must be encouraged on an increasingly wide scale.

3.2.8. Lastly, the quantified targets relate solely to packaging waste, and not to packaging as such. However, the information systems (Article 8) and essential requirements (Article 7) concern packaging as such, which is better suited to a "cradle to grave" approach for guaranteeing the environment-friendly quality of products.

⁴ OJ No. C 331 of 16 December 1992

⁵ The German version of the Directive should thus use the term "müssen" rather than "sollen"

3.3. *Timescale (Article 4)*

3.3.1. The ten year period envisaged by the proposal for implementing the objectives takes account of the diversity and shortcomings of existing waste management infrastructure, and will facilitate a flexible transition in the Member States for attaining intermediate targets.

3.3.2. However, it would be advisable to adjust the intermediate targets in the light of scientific research findings and the progress made by the Member States. The review to be carried out after six years should be brought forward to three years, to coincide with the first report on implementation (Article 14).

3.4. *Return and management systems (Articles 5 and 10)*

3.4.1. Under the principle of subsidiarity, the proposal allows Member States a fairly free hand in implementing return systems and framing management plans.

3.4.2. To prevent excessive divergencies in either time-scale or costs, steps should be taken now to assess current schemes and circulate information on them, so as to draw on successful results and avoid repeating mistakes. Though subsidiarity is intended to boost regional and local projects, this does not mean there should be no horizontal coordination of information and experiences.

3.4.3. To promote consistency, Article 5 should stipulate that the measures indicated in paragraph 1 must take account of the order of priority specified in point 2.2.3., subject to the necessary derogations linked with the individual characteristics of particular categories of packaging waste and other mitigating circumstances.

3.5. *Marking (Article 6)*

3.5.1. Though care must be taken not to over-label products, as this could confuse the consumer, marking is instrumental in organizing collection systems; hence it must be detailed and Community-wide. To facilitate trade with non-EC countries, a solution should preferably be found, at least at OECD level.

3.5.2. The symbols proposed in Annex I have been criticized as not being sufficiently clear and need to be improved. Using the same symbol for recoverable packaging and packaging for incineration (Annex I, 1 (b)) will cause confusion, as will the option of indicating the percentage of recycled material used, since this is often difficult to determine.

3.5.3. The Committee insists on involvement of the users most closely concerned: the system must be easy to understand and provide objective information which cannot be misinterpreted.

3.5.4. Article 6(3) stipulates that "packaging shall indicate, when needed for its identification and classification, the nature of the packaging material(s) used, in accordance with the identification system described in Annex I".

Point 1(c) of Annex I already contains numberings for the various packaging materials (e.g. 1-19 for plastic, 20-39 for paper and cardboard, 40-49 for metal).

3.5.6. Although the use of such numbering is non-compulsory, it should as far as possible coincide with the numbering already in use today. For packaging made of a plastics material we already have the numbering system laid down by DIN standard 6120 part II. Under this system additional markings of between 01 and 07 are to be used, depending on the type of plastic. It would be rational and practical to incorporate these additional markings in the Directive. This is of particular importance to European Community import houses. In the last few years it has proved possible after tough negotiations to persuade suppliers, particularly overseas suppliers, to use only packaging marked in accordance with DIN standards.

3.6. *Essential requirements and standardization (Articles 7 and 12)*

3.6.1. As no European packaging standards currently exist, there will be a transitional phase in which differing national environmental protection standards could impede free movement. What is needed is a speedy standardization drive, at EC level, in line with the principles in the proposal, with particular emphasis on harmonization of criteria and methods for evaluating the lifecycle of packaging materials. In this connection, reference is made to the ESC Opinion on the Green Paper on the development of European standardization which stresses (point 1.7.) the importance of European standards for the improvement of protection of health, safety, and the environment⁶.

3.6.2. Annex II lists essential conformity requirements on the basis of which the Member States will authorize placing on the market; but it does not list any order of priority based on the Directive's principles. Since such requirements will be a vital point of reference during the transitional phase when standards are drawn up, the Annex should be more specific here.

3.6.3. The Committee lays particular stress on environmental impact as key criterion in framing requirements, as in the US legislation. Here it might be thought that more attention should be focused on measuring the dispersal risks of noxious metals than on their levels of concentration in packaging (Annex II, point 1, fourth indent).

3.7. *Information systems and databases (Article 8)*

3.7.1. In its explanatory memorandum the Commission states that "no overall picture exists at Community level either of packaging production and consumption figures or of how packaging waste is being managed". Further, the memorandum's overview of measures taken by the Member States is not very detailed and probably needs to be updated, especially as the Commission's departments are

⁶ OJ No. C 120 of 6 May 1991

currently appraising the compatibility of certain national measures with Community rules.

3.7.2. The Committee has examined different sets of statistics supplied from a variety of sources as well as research findings, inter alia from DG XII projects, which give differing pictures of the situation. These findings need to be harmonized and data coordinated as far as possible.

3.7.3. Clearly the reports to be provided by the Member States on implementation of the management programmes (Article 14) and the creation of the database (Article 8) will make it easier to reshape initiatives in the light of a fuller knowledge of the facts.

3.7.4. The databases provided for in Article 8 are a key component of the Community legislation. To be effective, they must be specially tailored to the needs of the Directive. Once again the Committee expresses its regrets over the delay in setting up the European Environmental Agency, which was assigned a major role in the 1990 Council Resolution on waste policy.

3.7.5. Specific action is needed to assist SMEs, which have difficulties in compiling data⁷

3.8. *Economic instruments (Article 11)*

3.8.1. Earlier ESC Opinions, in particular that on the new Community environment programme, have stressed the need for market instruments to guide production and consumption along lines of "sustainable" development.

3.8.2. The Committee is thus pleased to see that the Council Resolution of 3 December 1992 concerning industrial competitiveness and environmental protection recognizes that such instruments can in some cases "achieve progress towards the Community's environmental objectives more cost-effectively than compulsory environmental provisions"⁸.

3.8.3. The adoption of such instruments, envisaged in the fifth programme, can help avoid environmental damage while respecting the "polluter pays" principle.

3.8.4. However, recourse to these instruments must be well-grounded and they must not result in distortion of competition, new barriers or unjustified constraints on consumers. Their aims must be incorporated into the proposed Directive's provisions and be consistent with the latter's objectives.

3.8.5. It therefore seems clear that the notification provided for in Article 13 also relates to the adoption of such instruments.

3.9. *Placing on the market (Article 15)*

3.9.1. In addition to the potential constraints on free movement within the Community that could be caused by undue divergencies in national implementing measures, problems will also arise over the conformity of imports from non-EC countries. These matters will have to be regulated by the appropriate bodies.

3.10. *Adaptation procedures (Articles 16 and 17)*

3.10.1. The Committee notes the reference to the special problems of primary packaging for pharmaceutical products and medical devices. Safety considerations argue against the use of recycled materials in these sectors. On the same grounds, the stipulated labelling and information make it difficult to reduce the volume of packaging as they are an integral part of the registration documents.

3.10.2. Similar problems can arise with primary packaging for foodstuffs as well as small packaging. The Commission reserves the right to tackle this matter later, but the Committee asks it to consider whether provision should be made right now for derogations.

3.10.3. In view of the proposal's open approach, allowing for even major changes after the initial stage of implementation, the Committee considers that the advisory committee procedure gives the Commission excessive freedom of action and is only acceptable in the case of technical amendments. The European Parliament and the Economic and Social Committee must be consulted on any substantive changes, to be determined after extensive consultations in the spirit of dialogue advocated in point 2.4. above.

⁷ See the Council Resolution on administrative simplification for enterprises, especially SMEs (OJ No. C 331 of 16 December 1992)

⁸ OJ No. C 331 of 16 December 1992

RECORD OF THE PROCEEDINGS

of the Economic and Social Committee
on the

Proposal for a Council Directive on packaging and packaging waste

(COM(92) 278 final - SYN 436)

304th Plenary Session,
held in the Committee building, Brussels,
on 24 and 25 March 1993

Meeting of 24 March 1993

Agenda Item 7

The CHAIRMAN moved that the Committee turn to agenda item 7 - adoption of an Opinion on the

Proposal for a Council Directive on packaging and packaging waste

(COM(92) 278 final - SYN 436).

1. The Chairman of the Environment Section, Mr CEBALLO HERRERO, said that the Opinion, which was the product of wide-ranging and detailed discussions, had been adopted by the Section by a substantial majority, with one dissenting vote and one abstention. Since this was a vexed issue involving conflicting interests, the Section had striven to assemble the fullest possible information by organizing a hearing which had been attended by a large number of representatives of all parties concerned (producers, users, socio-occupational organizations, consumer and environmental associations) and encouraged an open exchange of views.

2. The Rapporteur, Mr COLOMBO, laid stress on the approach chosen by the Study Group and the Section in their work: to facilitate active mediation between the interests at stake, identifying feasible solutions and suggesting the requisite accompanying measures, while never losing sight of the essential need to protect the environment. He would view the proposed amendments in the light of this approach and would accept those which helped to achieve a common denominator while rejecting those which held back the debate. The Commission proposal set ten-year targets while allowing a margin of flexibility for their attainment. These time-limits could be brought forward if R&D progress made this possible. However, active participation by everyone, from producers to the end consumers, was necessary to this end. The challenge had to be met to make a major step towards "sustainable development". He personally was convinced that the employment problems which might arise in the wake of the required conversion process could be satisfactorily solved provided that suitable accompanying measures were adopted. In the current straits of the European economy, recovery must go hand in hand with sustainable development, which could therefore act as a catalyst.

3. A general discussion followed. Mr BOISSEREE deplored the dramatic environmental problems caused by the accumulation of waste and proliferation of disposal sites, which had prompted a set of preventive measures. The Commission was to be praised for its initiative to achieve harmonization in this sphere, which was confined to essentials and inspired by the principle of subsidiarity.

Mr BELTRAMI focussed on the Study Group's working methods and the effectiveness of involving the various sectors, e.g. at the hearing. The record of the hearing, which must be publicized, highlighted the scale of the differences between the starting positions and the usefulness of the discussion in outlining feasible and acceptable solutions.

Mr BERNABEI complimented the Rapporteur on the high standard of the Opinion but drew attention to a number of

points of disagreement which had prompted him to table amendments. The targets were unrealistic and the option of recycling for energy purposes must be given greater prominence.

Mr KAFKA agreed with the substance of the Opinion though he supported a number of the proposed amendments. He stressed the importance of retaining Article 100a as legal basis, especially in view of the problems that were emerging as a result of the measures adopted in some Member States. He pointed out that packaging waste represented a limited proportion of all waste and recycling was to be encouraged only where market outlets for recycled materials were guaranteed. He also emphasized the important role played by packaging in preserving products. On the employment problems to which the Rapporteur had referred, he regretted that the impact assessment form only indicated new jobs created and made no mention of jobs that would be lost.

4. In his reply, Mr COLOMBO said that national schemes designed to improve organization of the collection, management and treatment of packaging waste had proved positive. Harmonization on the basis of Article 100a was therefore necessary: environmental protection and the internal market must not come into conflict. As regards the feasibility of the targets, the hearing and the documentation received had shown that industry was already working on solutions. The Opinion did not rule out the option of recovery for energy purposes - but only in the last resort because of the environmental impact problems involved.

5. The Committee then moved on to a point-by-point examination of the text. A number of amendments were discussed.

Mr BERNABEI wished point 2.2.1. to be reworded as follows:

"The proposal's main objective is to harmonize national provisions on the management of packaging and packaging waste so as to minimize their total impact on the environment, taking into account and chemical composition (see 15th recital in the preamble). It also seeks distortion of competition, thereby facilitating the completion and operation of the internal market, while guaranteeing a high level of environmental protection (see 11th recital)"

He argued that Article 1 of the proposed Directive indicated specific aims which could not be overlooked in merely reproducing the recitals.

The Rapporteur, Mr COLOMBO, opposed this amendment on the grounds that it would disrupt the balance between environmental protection and the single market; the need for harmonization was clearly established in accepting Article 100a as legal basis.

The amendment was put to the vote and defeated by a substantial majority, with five votes in favour and nine abstentions.

Mr LUSTENHOUWER tabled the following amendment to point 2.2.3. - third and fourth lines:

''However, it does cause significant environmental problems''

to be replaced by:

''However, it may cause environmental problems in certain cases''

His reasons were the following:

Packaging waste per se need not always cause ''significant'' environmental problems. It all depended on whether the waste contained environmentally-harmful substances and how the waste was processed. For example, the dumping of packaging waste could cause damage to the environment as a result of the space it took up or the harmful substances it might contain. Packaging waste which was recycled or incinerated in accordance with EC standards need not cause any more damage to the environment than any other production process.

Mr BOISSEREE found this wording too reductive and proposed that a compromise be found. The RAPPORTEUR was prepared to insert the expression ''generally'' and asked whether problems did not exist in aligning the text.

The rewording suggested by the Rapporteur was accepted.

In point 2.2.4. Mr LUSTENHOUWER proposed the addition of the following sentence:

''However, multi-use packaging cannot be given priority over one-way packaging unless there are no objections on the basis of lifecycle analyses.''

Only if multi-use systems really are less damaging to the environment than one-way packaging is it possible to justify the priority given to them. Multi-use systems, too, can damage the environment, especially as a result of the transport, the weight and thickness of the packaging and the cleaning materials used.

Mr BOISSEREE opposed the above amendment unless a more positive wording was found. The RAPPORTEUR suggested that the amendment be accepted in a revised form:

''Multi-use packaging is preferable unless there are objections on the basis of life-cycle analyses.''

The Rapporteur's proposal was accepted.

In point 2.3.7. - second line, Mr LUSTENHOUWER proposed that the second part of the first sentence (after ''solutions'') be replaced by the following:

''... the Committee feels that the following guidelines should be laid down right now for compliance by national measures:

— they should take account of the Treaty and other EC provisions (especially those concerning consumer

protection, health, safety and hygiene) and considerations regarding industrial property, authenticity and the technical aspects of the packaged goods and the materials used;

- they should cover all enterprises without exception and not discriminate against any types of packaging, materials, products or waste-management systems;*
- they must be clearly linked to the desired objective; their effectiveness must be provable;*
- at the same time any negative effects on trade should be kept to a minimum;*
- implementation requires close cooperation between all those involved: government, business, consumers and other concerned sectors, in a spirit of communal responsibility and non-discrimination.''*

This would clarify the exact purpose of the Committee's reference to ''satisfactory guarantees'' in respect of harmonization.

The RAPPORTEUR regarded some parts of the amendment as superfluous since they were already encompassed by the Treaties and Community legislation as well as in the procedures envisaged in the proposal. However, he agreed to the motion. No objections were raised.

In point 3.1.1. Mr BERNABEI proposed the addition of the following sentence:

''In addition, the definition of 'recovery' ('exploitation' would be preferable) must be amplified to include operations concerning the re-use of used packaging, to which the Directive ascribes a high priority.''

The Directive ascribes a high priority to re-use of packaging. To omit re-use from ''recovery'' operations would merely discourage operations of this type.

Mr BOISSEREE objected on the grounds that confusion could be caused. The amendment was put to the vote and defeated by a substantial majority with two votes in favour and four abstentions.

In point 3.2.3. Mr BERNABEI proposed that

this sentence be amended to read as follows:

''In the Committee's view, the ten-years' end-target laid down in Article 4(1)(a) should be considered a political aim which is commendable yet almost impossible to attain; partly to avoid unrealistic expectations on the part of consumers, it would seem more advisable to lower it to more realistic, though still ambitious, levels. The intermediate target, which is left for the Member States to define, should be adjusted accordingly.''

He argued that the quantitative targets specified were not attainable.

Mr BOISSEREE objected on the grounds that the stand taken in the Opinion, partly as a result of the hearing and consultations, would be contradicted. The RAPPORTEUR confirmed the feasibility of the targets, combined with the requisite accompanying measures.

The amendment was put to the vote and defeated by a substantial majority with two dissenting votes and five abstentions.

Mr LUSTENHOUWER proposed that point 3.2.4. be deleted and replaced by the following:

"If it emerges from the lifecycle analyses that some materials are clearly less environmentally harmful than others, the Commission proposal that no distinction be made should be reconsidered."

Until objective comparative studies had been carried out (see point 3.2.5.) the ESC could not conclude that "different materials have different ecological impact, and not all are equally suitable for recovery or recycling".

The RAPPORTEUR agreed that the amendment was an improvement. No objections were raised.

Mr MANTOVANI proposed that point 3.2.5. be amplified by the addition of a new point 3.2.5.1.:

"More particularly, since the use of renewable and biodegradable raw materials of agricultural origin can help to reduce the environmental impact of packaging, the Committee recommends that their potential contribution be explored further, for example by means of special research programmes."

The RAPPORTEUR accepted the amendment though he questioned the reference to "biodegradable". No objections were raised.

In point 3.2.6. Mr BERNABEI proposed the addition of the following sentence:

"With this in mind, it is also important for the Member States to remove existing constraints on the use of recycled materials."

Anachronistic rules existed in the Member States which restricted the use of recycled materials. Action by the Commission would seem advisable to bring about the removal of these constraints where feasible, and respecting any health regulations.

Mr BOISSEREE had reservations as regards removing constraints without ascertaining their purpose and specific motivations.

The RAPPORTEUR proposed a compromise wording to add the phrase "where feasible, and respecting any health regulations". After a procedural discussion involving Mr CASSINA and Mr GARDNER, members of the ESC and Mr di MURO, for the ESC Secretariat, the Rapporteur's amendment was put to the vote and approved by 89 votes to 25, with three abstentions.

In point 3.4.2. Mr BERNABEI proposed that the first sentence be amended as follows:

"To prevent excessive divergencies in either timescale or costs, the Commission should ensure stringent monitoring to prevent the retention and/or introduction by the Member States of measures which directly or indirectly generate distortion of competition and/or constitute trade barriers. Steps should therefore be taken now to assess ..."

He argued that the Directive must not ultimately become no more than a legal instrument which "legitimized" market-distorting protectionist practices and/or tendencies. Such practices and tendencies existed and would otherwise become more accentuated in the near future.

Mr LUSTENHOUWER objected on the grounds that procedures for communication to the Commission were already provided for.

The amendment was put to the vote and defeated by a substantial majority, with three votes in favour and eight abstentions.

At the end of point 3.5. Mr FRERICHS proposed the addition of the following two points:

"3.5.4. Article 6(3) stipulates that 'packaging shall indicate, when needed for its identification and classification, the nature of the packaging material(s) used, in accordance with the identification system described in Annex I'. Point 1(c) of Annex I already contains numberings for the various packaging materials (e.g. 1-19 for plastic, 20-39 for paper and cardboard, 40-49 for metal).

3.5.5. Although the use of such numbering is non-compulsory, it should as far as possible coincide with the numbering already in use today. For packaging made of a plastics material we already have the numbering system laid down by DIN standard 6120 part II. Under this system additional markings of between 01 and 07 are to be used, depending on the type of plastic. It would be rational and practical to incorporate these additional markings in the Directive. This is of particular importance to European Community import houses. In the last few years it has proved possible after tough negotiations to persuade suppliers, particularly overseas suppliers, to use only packaging marked in accordance with DIN standards."

The reasons were obvious.

The RAPPORTEUR accepted the amendment. No objections were raised.

Mr BERNABEI proposed that the last sentence of point 3.10.2. be amplified as follows:

"... derogations, by excluding them from the scope of the Directive along with packaging covered by point 3.10.1. and packaging of dangerous substances."

Mr BOISSEREE opposed exclusion, especially in the case of dangerous substances. The RAPPORTEUR pointed out that the call for derogations was carefully weighed so as not to provide scope for exceptions.

The amendment was withdrawn.

The entire Opinion was then put to a vote by show of hands; it was adopted by a substantial majority, with two dissenting votes and one abstention.

European Communities - Economic and Social Committee

Packaging Waste

1993 - 22 pages

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The present brochure contains a summary of the initial Commission proposal, a report of the hearing, the Committee Opinion, and the record of the final plenary debate on the subject of packaging waste.

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