



EUROPEAN FEDERATION OF THE TRADE IN DRIED FRUIT & EDIBLE NUTS • PROCESSED FRUIT & VEGETABLES • PROCESSED FISHERY PRODUCTS • SPICES • HONEY

## FRUCOM Feedback on a Proposed Regulation on packaging and packaging waste

### Overview

- FRUCOM welcomes the publication of the Proposed Regulation on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC, on 30 November 2022.
- FRUCOM supports the goals of the Regulation, to reduce packaging and packaging waste, and encourage recycling, reuse / refill, composting, and packaging minimisation.
- FRUCOM strongly encourages the European Commission to focus on, and promote, proven voluntary approaches and incentives for compliance with targets for minimising packaging and packaging waste, which will encourage the private sector to take up packaging solutions or alternatives to meet EU goals.
- FRUCOM believes that the Proposed Regulation on packaging and packaging waste presents a number of important drawbacks that the Commission can easily address:

Firstly, in relation to the blanket ban under point 1 of Annex V of plastic packaging used at retail level to group goods sold in cans, tins, pots, tubs, and packets; a level of flexibility should be maintained as grouping using cardboard or paper solutions is not always possible where the product quality, safety and utility would be compromised. In this regard, including the option to use recycled plastics for grouping would be more sustainable and practical.

Secondly, in relation to the blanket ban under point 4 of Annex V for single-use, portion packaging of any sort for preserves, sauces, etc. in a HORECA environment; this presents hygiene, food waste, and logistical costs for many products. As such, a mix of alternative packaging solutions could be permitted to provide flexibility to the HORECA sector and food manufacturers whilst meeting the goals of the Regulation.

Thirdly, the proposed Regulation fails to provide a clear transition period for the application of the new obligations for importers, distributors, manufacturers, and other operators, meaning that there will be a significant cost burden, especially for SMEs, to comply with any new rules. This can be remedied through the Commission staggering and defining the deadlines for compliance based on operator size, incentivising and investing in the use of sustainable packaging, and harmonisation and standardisation of Member States rules on reuse/ refill recycling, and composting.

FRUCOM represents European Union importers, and growers, processors, and traders, of edible nuts, dried and processed fruit and vegetables, and processed fish and seafood products.

Many of these products are either not produced in the EU or the EU production volume is not sufficient to meet the demand of its market; as such, there is a strong dependence on imports. Sourcing is global, from both developed and developing countries. Furthermore, the product categories represented by FRUCOM members make an important contribution towards diverse, nutritious, and affordable diets for EU consumers and represent a growing segment in terms of consumer demand and retail. Finally, given that the products are dried or preserved, they also naturally play a key role in addressing food waste; the long shelf life also necessitates diverse packaging solutions and flexibility to ensure that the products remain safe, maintain their desired quality, and can be used for their intended purpose.

FRUCOM welcomes the opportunity to provide feedback on the Proposed Regulation on packaging and packaging waste.

### 1. Maintain flexibility for grouping packaging in retail

Under point 1 of Annex V of the Proposed PPWR, the Commission envisages prohibiting all forms of plastic packaging used at retail level to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage end users to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in distribution.



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Whilst welcoming the exclusion of plastic for grouped packaging needed to facilitate handling in distribution, FRUCOM is concerned about the lack of other alternative plastic packing options that are still sustainable and environmentally friendly, which could be used where grouping using carton or paper is not feasible.

Taking for example multipack packaging for raisins – the individual packs of raisins may come in small boxes containing a serving of 14 grams. The tops of these boxes are usually not sealed with glue, and are easy to open, as they may be targeted to schoolchildren who benefit from ease of opening the box. Given that the individual boxes are not sealed shut, the multipack of boxes will often come wrapped in plastic or another composite packaging form that helps to protect the dryness, shelf life, quality, safety, and other attributes of the product, in a way that a larger cardboard or paper packaging may not be able to.

### **FRUCOM recommendation**

**FRUCOM strongly recommends that the Commission maintain options for the use of composite plastic packaging, including with targets for minimum recycled / non-virgin plastic content, to enable grouped packaging or collation of goods with a sustainable plastic alternative where paper and cardboard are not possible.**

## **2. Maintain flexibility for single serve packaging in HORECA establishments**

Under point 4 of Annex V of the Proposed PPWR, the Commission envisages prohibiting all single-use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except such packaging provided together with takeaway ready-prepared food intended for immediate consumption without the need of any further preparation.

FRUCOM welcomes the exception of packaging used in a takeaway environment, but holds strong concerns in relation to the prohibition of all single-use packaging for condiments and preserves, including nut spreads, fruit and vegetable chutneys and other preserves etc.

One critical factor in relation to nut spreads is the risk for individuals with nut allergies in self-service environments where servings of nut spreads cannot be individually wrapped, and in turn, the possibility of cross-contamination cannot be fully controlled.

Additionally, and equally concerning, would be the increase in food waste and associated costs to the HORECA sector where single servings of goods cannot be distributed in a hygienic manner due to limited packaging options. For example, bars and eateries that serve small packs of salted snacks like nuts may not always have the facilities or resources to install suitable reusable distribution systems on countertops or at tables. The possibility of serving nuts in small individually packed portions means that the customer can choose whether to consume the nuts, and if they do not, the packaging can be wiped down and offered to another customer. If the nuts are served in a bowl or an open container, this increases food waste – due to hygiene factors, contamination risk, and quality reasons, products served to a customer which are open would need to be disposed of and cannot be served to the next customer.

Following the coronavirus pandemic, hygiene and contamination risks in HORECA establishments are priority issues, not only for the back of house (food preparation), but especially at the front of house where the establishment and clientele interact.

Finally, alternative packaging solutions which may not be single serve can add considerably to the volume, weight, and cost of transporting single serve products. For example, small glass bottles or jars that can be re-used or recycled, in the place of recycled plastic equivalents. This in turn can have an overall negative environmental effect in terms of the amount of CO<sub>2</sub> emitted to transport goods in heavier packaging.

## FRUCOM recommendation

**FRUCOM therefore strongly recommends that the Commission maintain options for the use of alternative single use packaging such as compostable or recyclable packaging, to certain goods to be packaged individually where there is either a risk to some consumers (e.g. in relation to allergies) or the alternative distribution methods mean that the quality or safety of the food product cannot be maintained.**

### 3. Provide clearer transition period and a level playing field across Member States

FRUCOM recognises the considerable lengths that the European Commission has gone to establish a framework for the reduction of packaging and packaging waste. However, there is still too little clarity and certainty about the deadlines that operators, manufacturers, importers, and distributors – many of whom are SMEs – are facing in relation to compliance with new obligations.

This is particularly important in relation to packaging obligations affecting importers, where changes must feed through a supply chain that includes third country suppliers, as well as obligations for distributors working across different Member States and non-EU markets.

Clear and certain transition dates and times are needed in order to allow operators to invest in new solutions, adapt their operations to new technologies, particularly in complex production lines, and to do this in a manner that is cost-effective and does not exacerbate the very waste problems that the regulation is attempting to address.

Given that the Regulation leaves a significant discretion to Member States in terms of their recycling, reuse, refill, and compostability methods or systems, it is imperative that the Commission prevents an outcome of 27 different regimes for recycling, reuse, refill, compostability, and so on.

## FRUCOM recommendation

**The Commission should ensure that, through its revisions to the current proposal or in secondary legislation, it achieves greater harmonisation at Member State level in relation to the systems in place and mechanisms used to implement and enforce packaging, refill and reuse, recycling, and compostability.**

### 4. Introduce flexibility in the timeline for recycled content in food contact plastics

The draft text sets targets under Article 7 on Minimum recycled content in plastic packaging, including in relation to contact sensitive packaging (i.e. packaging that will come into contact with food).

Whilst it is welcome to have greater circularity for packaging, the Commission must recognise that suitable resins for food contact plastics are currently limited. There is no widespread solution today for recycled flexible plastic packaging that can come into contact with food which would also meet the abovementioned targets, as these are calculated in a manner which does not permit feedstocks from chemical recycling (the only technology currently available to generate flexible food contact recycled plastic).

FRUCOM welcomes the provision for a change in the minimum percentages of recycled content in packaging where this is justified.

Nevertheless, this provision does not address the fundamental issue of the uncertainty that the deadlines in paragraphs 1 and 2 of Article 7 entail. Namely, by 1 January 2030 industry would be obliged to find new technologies to create a recycled plastic feedstock (resin) for flexible food contact plastics, notwithstanding the fact that suitable technologies (chemical recycling) already exist, but these cannot count towards the Regulation's targets in relation to recycled content.

## FRUCOM recommendation

**In addition to flexibility in terms of the minimum percentage of recycled content in plastic packaging, the Commission should also introduce flexibility in the time limit for when these targets will apply to different types of packaging, so that industries have time to develop more suitable resins and recycled plastic feedstock, including through chemical recycling.**

Operators need certainty that, when investing in a packaging solution that meets the obligations under this regulation in one Member State, it will be equally valid in all other Member States. By ensuring greater harmonisations, legal certainty, and clearer transition periods or deadlines, the Commission can incentivise and enable genuine and inclusive change in how packaging and packaging waste are addressed in the EU.

FRUCOM avails itself of this opportunity to thank the Commission for its consideration of the arguments made in this paper and assure the Commission of our availability and interest in supporting the Commission to address packaging and packaging waste where dried fruit and nuts, and processed fruit, vegetables and fisheries products are concerned.