

Proposal Packaging and Packaging Waste Regulation Proposed amendments

SEFA is the Association representing the steel drum industry in Europe. Our members produce steel drums and other types of industrial sales packaging for various industries such as the lubricant and chemical industry, or the agrochemical and food sectors.

Steel is a permanent material which means it has the potential to be recovered and recycled endlessly, without losing its essential properties. Currently, [85 % of steel packaging is recycled](#). Steel's unique magnetic properties also make it easy to recover from the waste stream to be recycled. **There is moreover a healthy market for scrap steel, which greatly facilitates its circularity.**

These unique characteristics have enabled our industry to take major steps to reduce the use of materials needed to produce new steel drums in line with the Commission's objective to minimise packaging. As a result, **we are achieving high recycling rates of steel packaging and decreasing the use of virgin materials, minimising the environmental impact of our industry.**

Steel drums are mainly produced according to the international [ISO Standard 15750](#), and are the most widely used packaging for the delivery of dangerous goods across the world. Close to **50 million tons of goods** are packaged worldwide each year in steel drums. Our drums offer the most adequate and robust protection for many filling goods and meet the strictest test requirements in the Agreement concerning the International Carriage of Dangerous Goods by Road ([ADR](#)) for safe handling of Dangerous Goods. It is key to understand that the steel drum sector is a global one, with drums often being used for shipments across the world.

In this context, SEFA strongly supports the European Commission's Green Deal ambitions to promote a circular economy for packaging by creating a level European playing field that will facilitate compliance and enforcement. We welcome the Commission's draft proposal and would like to offer the following observations.

1) The draft overlooks the specific circumstances of the market for industrial ("B to B") packaging, which as outlined above are very different in comparison to the market for consumer packaging, and thus requires some adjustments throughout.

2) Drums and other similar types of industrial packaging such as pails, canisters and Intermediate bulk containers or IBC, are wrongfully categorised as "transport packaging" in **Article 26 paras 7, 12, 13 and recital 69**. We therefore request the Commission to consider using the wording in **recital 10**, which correctly distinguishes between sales packaging, grouped packaging and transport packaging:

"sales packaging corresponds to primary packaging, grouped packaging to secondary packaging and transport packaging to tertiary packaging."

Given the above justification, we propose the following amendments:

Recital (69) Proposed amendments:
Certain uses of single use transport packaging formats are not necessary, as there is a wide range of well-functioning reusable alternatives. In order to ensure that such alternatives are effectively used, it is appropriate to require economic operators, when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises, to use only reusable transport packaging with respect to packaging formats such as pallets, foldable plastic boxes, and plastic crates, intermediate bulk containers, both rigid and flexible, or drums . The same obligation should, for the same reasons, apply to economic operators transporting products within one Member State.
Article 26 (7) Proposed amendment:
Economic operators using transport packaging in the form of pallets, plastic crates, and foldable plastic boxes, pails and drums for the conveyance or packaging of products in conditions other than provided for under paragraphs 12 and 13 shall ensure that: (a) from 01.01.2030, 30 % of such packaging used is reusable packaging within a system for re-use; (b) from 01.01.2040, 90 % of such packaging used is reusable packaging within a system for re-use.
Article 26 (12) Proposed amendment:
Transport packaging used by an economic operator shall be reusable where it is used for transporting products: (a) between different sites, on which the operator performs its activity; or (b) between any of the sites on which the operator performs its activity and the sites of any other linked enterprise or partner enterprise, as defined in Article 3 of the Annex to Commission Recommendation 2003/361, as applicable on This obligation applies to pallets, boxes, excluding cardboard, trays, and plastic crates, intermediate bulk containers, drums and canisters , of all sizes and materials, including flexible formats.
Article 26 (13) Proposed amendment
Economic operators delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products. This obligation applies to pallets, boxes, excluding cardboard, and plastic crates, intermediate bulk containers, and drums , of all sizes and materials, including flexible formats. <i>Justification: IBC, drums, pails and canisters are primary packaging and come in direct contact with filled products (mostly chemical products and dangerous goods). As a result, special requirements apply (e. g. UN Recommendations on the Transport of Dangerous Goods and regulations for the different transport modes and regions, especially the ADR). For these reasons, they should be classified as sales rather than transport packaging.</i>

3) In line with the waste hierarchy, we welcome the introduction of **waste prevention targets**. We do however believe that these targets should be made more ambitious by making them ‘material specific’. Setting an overall (i.e. non-material specific) target could risk promoting the substitution of heavier packaging materials for lighter ones, thus replacing environmental considerations with weight. **Material-specific packaging waste reduction targets** on the other hand would achieve the same reduction as envisioned by the proposal, while also ensuring a fair effort sharing by all materials.

Given the above, we propose the following amendment:

Article 38 (1) Proposed amendment:
Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 as reported to the Commission in accordance with Decision 2005/270/EC for each of the specific materials contained in packaging waste listed in Article 46 , by

- (a) 5 % by 2030;
- (b) 10 % by 2035;
- (c) 15 % by 2040.

Justification: The PPWR Impact Assessment shows that the proposed overall reduction targets will not ensure that all packaging materials contribute individually, equally and fairly to waste reduction. Therefore setting an overall (i. e. non-material specific) target would thus risk substituting one packaging material with another, with no other consideration than weight. On the other hand, a material-specific packaging waste reduction target would achieve the same reduction in the total amount of packaging placed on the market compared to the proposed overall waste reduction target but would ensure a fair effort sharing by all materials.

