

## Joint position on the review of the Packaging and Packaging Waste Directive

August 2022

**The members of BON Europe** – a collaboration of nine national bioplastics associations from across Europe – are alert to current policies and legislative developments regarding packaging and waste management across the EU-27, and in particular to **diverging measures on bio-based, biodegradable & compostable plastics** adopted by different Member States that hamper the free movement of products and **undermine the EU's ambition to lead the transformation towards a more sustainable, climate neutral economy.**

While current EU rules and legislation on waste and packaging (i.e., WFD Art 22, PPWD Essential Requirements) clearly promote the use of compostable plastics for the separate collection of bio-waste and allow all compostable packaging that is certified according to the harmonised EU standard EN 13432 to be organically recycled, some EU Member States have implemented unilateral national legislation that prohibits all or certain compostable plastics applications from organic recycling streams, or apply different requirements, standards, or labelling for these products (see table below).

The current **revision of the EU Packaging and Packaging Waste Directive**, as well as the Waste Framework Directive review and the forthcoming framework on bio-based, biodegradable and compostable plastics all provide **crucial opportunities** to implement clear, coherent, and forward-thinking regulatory frameworks that drive innovation in decoupling economic growth from the use of fossil resources and recognising the substantial contribution of the bioplastics sector to reaching the EU's climate and waste targets.

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### Concretely, we ask you to consider the following:

1. Ensure that all recycling options, including mechanical, organic, and chemical recycling are available for bio-based, non-biodegradable as well as for compostable packaging and materials, and that the same rules apply throughout the EU Member States.
2. Recognise industrial composting as a solution to increase separate collection and recycling of organic waste, hence create criteria for when compostable plastic packaging should be preferred/mandatory. A legally binding list of specific applications, however, will hamper the sector and innovation by being a discriminative legislative measure.
3. Consider bio-based content as equivalent contribution to recycled content targets in order to help secure feedstock availability, to achieve recycled content targets, and to meet the strict requirements for health & safety and food-contact materials.
4. Ensure harmonised and mandatory labelling for packaging products, including labels on the appropriate disposal and end-of-life options. Acknowledged EU standards have been developed by that should be used for this purpose, such as the harmonised EU standard for packaging recoverable through industrial composting EN 13432.
5. Ensure that the Essential Requirements remain a material-neutral and technology-neutral set of guidelines.

## Need for coherent rules on access to recycling options

Bioplastics include a whole family of different materials. They are bio-based, biodegradable or a combination of both. They can be **treated in established recycling and recovery systems** and offer additional options such as organic and chemical recycling. Standard industry sorting technologies, like NIR, are perfectly able to sort bio-based and compostable plastics from other plastic waste very efficiently. The major share of bioplastics produced today is mechanically recyclable in already well-established recycling systems. As the market shares of these innovative bioplastics increase, it will become also economically viable to sort them out. Compostable plastics, which are certified according to EN 13432, are specifically designed for organic recycling in industrial composting facilities. They help to increase the quality and quantity of separate collection of organic kitchen waste<sup>1</sup>, to reduce the contamination of bio-waste in conventional plastic waste streams<sup>2</sup>, to divert organic waste away from landfill or incineration, and to produce a higher quality of valuable compost that benefits the soil health. A larger amount of separately collected bio-waste can also help to increase the share of biogas production if the waste is processed via anaerobic digestion.

In Ireland and Italy, for example, compostable plastic packaging is widely used and accepted by both citizens and composters. In both countries, certification schemes are in place based on EN 13432. The use of these products is **evidently contributing to a substantial increase in volumes of food waste being collected and composted in both countries, with Italy reaching 80%**<sup>3</sup>. In other EU Member States, such as Germany, Belgium, and the Netherlands, the collection rate of food waste remains low at around 15-25%<sup>4</sup> despite separate food waste collection being mandatory. These countries have very restrictive rules on the use of industrially compostable plastic packaging for bio-waste collection and organic recycling, which also inevitably leads to higher contamination rates (with conventional plastics) of the organic waste streams and the resulting compost.

**While some Member States are setting the pace and best-practices on how bioplastics can unfold their full potential, others are stalling innovation and development in this sector.** Italy implemented the EPR scheme 'Biorepack' for compostable packaging compliant with EN 13432 that aims to collect and organically recycle compostable packaging together with bio-waste. Italy also introduced a plastic tax (to enter into force in 2023) that excludes compostable bioplastics certified in accordance with EN13432 from taxation. Accordingly, in 2021 **Italy reached a recycling rate of 52%**<sup>5</sup> **of industrially compostable packaging placed on the market.** At the same time, the Dutch government recently restricted compostable packaging from entering the plastic recycling streams, based on the false rationale that compostable packaging could disturb mechanical recycling and that it is not compostable. Consequently, the EPR packaging fee for these materials has increased from 0.02 EUR/kg in 2018 to 0.70 EUR/kg in 2022, practically cutting these materials out of the market in the Netherlands.

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<sup>1</sup> A field test conducted by C.A.R.M.E.N. e.V. (2022) confirmed a very high acceptance and use of the compostable bio-waste bags for the collection of domestic biowaste amongst consumers. The compost analysis testified a consistently good compost quality, and no fragments of the compostable plastic foil material were detected in any of the compost samples that were analysed. <https://www.carmen-ev.de/service/forschungsprojekte/praxistest-bio-beutel/>

<sup>2</sup> A field test carried out by the University of Bayreuth (2020) examined composts from eight different biowaste treatment plants. Over 98% of the film plastic particles detected were attributable to PE or other conventional plastics. The researchers concluded that the use of compostable plastic bags for the bio-waste collection would lead to a significant reduction in plastic particles in the compost if PE bags were substituted. <https://doi.org/10.37307/j.1863-9763.2020.05.05>

<sup>3</sup> Italian compost association CIC, [www.compost.it](http://www.compost.it), and Zero Waste Europe (2020) "Bio-waste generation in the EU: Current capture levels and future potential." [https://zerowasteurope.eu/wp-content/uploads/2020/07/2020\\_07\\_06\\_bic\\_zwe\\_report\\_bio\\_waste.pdf](https://zerowasteurope.eu/wp-content/uploads/2020/07/2020_07_06_bic_zwe_report_bio_waste.pdf)

<sup>4</sup> Zero Waste Europe (2020): "Bio-waste generation in the EU: Current capture levels and future potential." [https://zerowasteurope.eu/wp-content/uploads/2020/07/2020\\_07\\_06\\_bic\\_zwe\\_report\\_bio\\_waste.pdf](https://zerowasteurope.eu/wp-content/uploads/2020/07/2020_07_06_bic_zwe_report_bio_waste.pdf)

<sup>5</sup> Biorepack (2022): <https://biorepack.org/comunicazione/comunicati-stampa/bioplastiche-compostabili-il-riciclo-raggiunge-il-61.kl>

Overview of national rules on compostable plastic packaging and other applications:

	Compostable plastic packaging	Other compostable plastic applications
<b>EU</b>	Compostable packaging (EN 13432) allowed to be placed on the market according to PPWD Essential Requirements; WFD (Art 22) allows biodegradable & compostable packaging to be collected together with the bio-waste and recycled in industrial composting and anaerobic digestion	
<b>Italy</b>	<b>All certified (EN 13432) compostable products, incl. packaging, must be collected and recycled together with the organic waste</b>	Compostable <b>bags (EN 13432, min. 60% bio-based content) must be used for the collection</b> of municipal organic waste
<b>Belgium</b>	The acceptance of compostable plastic packaging in organic recycling streams is very fragmented on municipal level and up to the local composters	Compostable (EN 13432) bio-waste <b>bags accepted</b> to be used for bio-waste collection (depending on municipality), in Wallonia/Brussels compostable <b>coffee pads and tea bags</b> are accepted, too
<b>The Netherlands</b>	Certified (EN 13432) compostable plastic packaging is not allowed in organic waste collection and recycling stream	Compostable (bio-waste) <b>bags (EN 13432) are allowed</b> to be collected and recycled in organic waste streams
<b>France</b>		Only (home-)compostable ( <b>NF T51-800 bags (min. 30% bio-based content) are allowed</b> for bio-waste collection
<b>Germany</b>	Compostable plastic packaging not allowed in organic waste collection and recycling stream	Compostable <b>bio-waste bags (EN 13432, min. 50% bio-based content) allowed</b> for bio-waste collection; national standard DIN-plus EN 13432 mandates 6 weeks disintegration instead of 12 weeks
<b>Spain</b>	Industrially compostable plastic packaging and other applications, such as bags, have to be collected together with organic waste (unless the municipal organic waste treatment facilities do not permit it)	<b>Light-weight bags</b> must be industrially <b>compostable</b> ; bio-waste must be collected in compostable <b>bio-waste bags (certified according to EN 13432)</b> ; the substitution of non-compostable plastics with compostable plastics is promoted for applications, such as trays, plastic rings, and sticks
<b>Austria</b>		<b>Light-weight carrier (fruit &amp; veg) bags</b> must be <b>made</b> predominantly <b>from bio-based resources and be home compostable</b> (recommended to be certified according to OK Compost Home certification scheme) and are allowed to enter the organic recycling stream
<b>Sweden</b>		Compostable <b>bio-waste bags allowed</b> to collect household food waste for organic recycling

These examples highlight the **urgent need for harmonised rules and a fair and level playing field to create a long-term pull for bio-based and compostable plastics**. In particular, the **definition of recyclability and recyclable packaging in the PPWD must include compostable packaging which is designed to biodegrade in industrial composting (certified EN 13432)**. No hierarchy should be set among the different types of recycling technologies: **compostable plastics, bio-based content, and recycled content should all have equal value in the development of the legislative proposal of the PPWD and WFD**. All recycling options, including mechanical recycling, organic recycling, and chemical recycling should be supported and made available for bio-based, non-compostable as well as for compostable packaging and materials, and **that these same rules must apply throughout the EU Member States**. Furthermore, the Essential Requirements should not seek to impose restrictions on suitable applications for bio-based or biodegradable/compostable plastics in the absence of health and safety justification.

## **Improving recycling infrastructure**

The mechanical recycling and industrial composting facilities in Europe all too often do not use modern technology. Investments are needed to achieve an acceptable, higher functioning and more harmonised landscape, especially considering the upcoming mandatory separate collection of bio-waste by 2024, which will increase the amount of bio-waste (especially food waste) that will enter industrial composting and anaerobic digestion (AD) facilities. Compostable plastic packaging (EN 13432) can substantially contribute to reach the food-waste collection targets and to reduce the contamination (with conventional plastics) of the organic waste streams. With compostable plastic packaging entering the organic recycling process, it should be foreseen – within the guideline on EPR fees – that the fee paid by producers should also cover the cost of the recycling in composting/AD facilities. Such rationale will help boost innovation and financial incentives in the modernisation and creation of new organic recycling infrastructures in the EU.

## **Ensure harmonised certification and labelling**

BON Europe supports the proposal to create a harmonised EU labelling system for packaging. Labels – based on existing standards and certification schemes – are one of the best means to provide clear and substantiated claims to consumers. Labels for compostable packaging based on certification for industrially compostable packaging according to the harmonised standard EN 13432 do already exist, such as the Seedling logo, and are well established and accepted.

## **Recycled and bio-based content needed to meet targets**

We call for caution when focusing exclusively on the recycled content, as mechanical recycling alone will not be enough to replace Europe's dependency on fossil resources and to stop the current trend of over-packaging and excessive waste in the EU. Bio-based content needs to be considered as equal contribution to the targets for recycled content, which will help to secure availability to meet targets, and to ensure the strict health & safety requirements of certain packaging applications (e.g., for food or hygiene products). In case the targets for recycled content will also be applied for compostable packaging, we suggest adding the option for a bio-based content target instead. Therefore, the Essential Requirements should remain a 'material-and technology-neutral' set of guidelines.

BON Europe is looking forward to the EU Commission's proposals for a revised Packaging and Packaging Waste Directive. A clear, coherent, and forward-thinking framework is paramount to ensure reliability in decision-making and investment. Our members are open for dialogue with the Commission and are committed to continue working together with policy makers from the EU Member States to contribute to addressing sustainability challenges, driving innovation and to the implementation of the Circular Economy Action Plan and the European Green Deal.

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## **About BON Europe**

The Bioplastics Organisations Network Europe (BON Europe) is a collaboration of nine national bioplastics associations from across Europe. The BON Europe partner organisations represent companies that produce, convert, or use bioplastics that are bio-based, biodegradable, or both. Our collective ambition is to ensure that the benefits of bioplastics are taken into consideration at EU and Member State level and that these materials can help contribute, to the fullest extent, towards delivering on the ambitious climate and waste targets.