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From: General Secretariat of the Council
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Subject: Regulation on packaging and packaging waste: Food safety and food waste aspects
- *Information from the Presidency*
- *Exchange of views*

Delegations will find in the annex the Presidency background document containing questions for ministers for an exchange of views on the above-mentioned subject at the Council meeting ("Agriculture and Fisheries") on 30 May 2023.

Regulation on packaging and packaging waste: Food safety and food waste aspects**- Presidency background document**

Food is in contact with many materials and articles during its production, processing, storage, preparation and serving, before its eventual consumption. Such materials and articles include food packaging and containers, machinery to process food, and kitchenware and tableware.

Even though recycling rates have increased in the EU, the amount of waste generated from packaging is growing faster than recycling. Over the last decade, the amount of packaging waste has increased by more than 20 %, and is expected to increase by another 19 % until 2030 if no action is taken. For plastic packaging waste, the expected increase is 46 % by 2030. Growing amounts of packaging waste entail increased environmental consequences, including increased and inefficient use of resources, negative climate impacts, littering, overuse of substances of concern in packaging and soaring waste management challenges, including low quality recycling, and excessive landfill, incineration, and export at end of life. At the same time, reducing packaging waste and increasing recycling contributes to reducing the EU's import dependency for raw materials and fossil fuels, stimulating innovation and boosting economic growth, and reducing unnecessary household expenditures.

Packaging production and packaging waste management has an estimated total turnover of EUR 370 billion in the EU. Transforming the packaging and packaging waste sector therefore has a significant role and potential in transforming Europe into a clean, sustainable, circular economy, in line with the European Green Deal. Following the Commission's action plan for a circular economy, the Council, in its conclusions of 4 October 2019 (12791/19), set out *inter alia* that all plastic packaging placed on the market in the EU should be reusable or recyclable by 2030, that the capacity for sorting and recycling packaging in the EU should increase fourfold, and invited the Commission to take further actions.

On 30 November 2022, the Commission adopted a proposal for a Regulation on Packaging and Packaging Waste. The proposal aims to prevent the generation of packaging waste, boost high quality recycling, and create a market for secondary raw materials, while at the same time facilitating consumer information and creating new business opportunities.

On 5 December 2022, the assigned Working Party on the Environment started the examination of the proposal and its impact assessment. On 16 March 2023, the Environment Council held a policy debate on the overall ambition for a new packaging regime and on waste prevention.

Food and beverage packaging plays a vital role in protecting and preserving products for consumers. To ensure a high level of food safety, all food contact materials must comply with Regulation (EC) No 1935/2004 on materials and articles intended to come into contact with food when placed on the European market. Of particular relevance is Regulation (EU) No 2022/1616 on recycled plastic FCM, which allows for the mechanical recycling of PET and for the development of novel recycling technologies for other plastics.

The proposed Regulation on Packaging and Packaging Waste intends to ensure a high level of environmental protection in the internal market while maintaining a high level of food safety and hygiene, without affecting food waste reduction policies. The starting point of all measures taken through the proposed Packaging and Packaging Waste Regulation is adherence to food safety standards and compatibility with the EU's objective of reducing food waste. As the proposed Regulation will affect the food and beverage sector, where adaptation towards more sustainability is necessary, such adaptation need to be consistent with other EU legislation.

While recalling food security and safety as cornerstones of the EU food system, the Farm to Fork Strategy also singles out sustainability as a key objective. The Farm to Fork Strategy intends to support sustainable food production methods, making healthy food choices easy for consumers, and promoting a better use of natural resources and reduced pollution.

Another aspect and an integral part of the Farm to Fork Strategy action plan is the anticipated revision of the Waste Framework Directive (EU) 2008/98/EC. The Commission is expected to propose additional measures to prevent food waste in due course.

The Presidency considers the proposed regulation on packaging and packaging waste to be very important. Being a transversal and yet a complex topic it is still of great importance that it is legally coherent and efficiently streamlines the packaging and waste sectors, food industry chain, consumer health and safety as well as the smooth function of the internal market.

In order to structure the discussions at the Agriculture and Fisheries Council meeting on 30 May 2023, the Presidency suggests focusing on food safety and food waste aspects. The Presidency also welcomes an introductory summary from the Commission on the main areas in the draft Regulation, which are of relevance to the food and beverage sector.

The Presidency proposes the following two questions:

1. In the light of the proposal's aim to significantly reduce packaging waste, are there aspects that you deem necessary to consider in order to ensure food safety and hygiene standards, and the functioning of the single market? Regarding the need for a substantial reduction of food waste, which factors should be highlighted?
2. How can reuse, refill and recycling be used as effective measures to reduce packaging waste and increase its circularity, while ensuring food safety and hygiene standards, and what is the appropriate way to handle interactions and synergies between the above proposal and other relevant EU legislation?