NMWE Position Paper on Article 7 PPWR – Call for Evidence

NMWE welcomes the opportunity to comment on the implementing and delegated acts under Article 7 of the Packaging and Packaging Waste Regulation (PPWR). We support the objective of increasing the use of high-quality recycled plastic in packaging and developing a strong EU market for secondary raw materials. However, these objectives can only be achieved if the secondary legislation provides timely clarity on responsibilities, is workable in practice and ensures a fair regulatory framework. The necessary enablers must be in place, including the availability of materials and rules that do not create artificial barriers to trade. Furthermore, it is important to build on the existing regulatory framework by taking into account the requirements already established under Regulations (EU) 2022/1616 and the Single-Use Plastics Directive (SUPD).

NMWE endorses the FoodDrinkEurope (FDE) position on Article 7 PPWR and, in addition sets out the following sector-specific recommendations.

In this context, we highlight the following priorities for the three implementing and delegated acts covering (1) the calculation and verification of recycled content, (2) sustainability criteria for recycling installations, and (3) equivalence for recycled content originating outside the EU.

1. Calculation and verification of recycled content

The implementing act should establish a clear and workable methodology for calculating and verifying recycled content in plastic packaging.

1.1 Interpretation of “any plastic part”

Further clarification is needed on the interpretation of “any plastic part”, in particular whether this requires each individual plastic component to meet the recycled-content target.

- The practical application will depend on the exact definitions of the terms “packaging”, “packaging unit” and “plastic part”. These should therefore be clearly defined in the implementing act to ensure a consistent EU approach.
- Currently, our sector is subject to targets under Single-use Plastics Directive. In the interest of legislation consistency, the focus should be on achieving the applicable target at packaging level.
- In any case, only those parts should be considered in the recycled content calculation where the use of recycled material is legally permitted, available at scale, technically feasible and compatible with food-contact requirements.

1.2 Targets for closures

The interpretation of the primary text is particularly important for closures.

- The Commission should explicitly clarify whether the target Article 7.1(c) for beverage bottles applies equally and separately to each plastic component of a beverage bottle, or whether components made of other polymers than PET should apply targets specifically established for these polymers (Article 7.1(b)).

So far, the European Commission did not explicitly clarify which target applies to PE and PP closures, either in a public forum such as Waste Expert Group or in the FAQ document. However, an example provided on the issue of recycled content claims would imply the intention is for the non-PET components to follow non-PET targets.

Example	**PPWR recycled content requirements**	Environmental claim for:	**Allowed environmental claim**
PET plastic bottle with a closure system made of PP	PET bottle: 30% PP closure: 10%	Packaging unit (bottle and a closure system)	The recycled content exceeds 30% for the PET bottle or 10% for the PP closure system.

- Should it be required that caps must reach the recycled content target separately, **this obligation should not follow Art. 7.1(c), as given the current state of EFSA approval, technology, and available material, compliance with the target would be impossible**. Instead, caps should be either considered a part of the whole packaging, or it should follow the target in Art. 7.1(b). Such interpretation would follow the logic of the targets, whereby non-food-contact targets are higher than food-contacts, and polyolefin targets are lower than PET targets, in addition having an option of a derogation in 7.12.

This clarification is important for both compliance and investment planning, particularly if recycled PP and PE are not available at scale.

Scope, responsibility and flexibility between plants

The wording of PPWR refers to targets applying “per packaging type and format” and “calculated as an average per manufacturing plant”. However, to date, there remains lack of clarity as to how responsibility for compliance with this target is allocated across, sales, grouped and transport packaging.

- The implementing act should therefore provide clear allocation of responsibilities among different operators throughout the supply chain – including the manufacturer – for achieving the set recycled-content targets.
- The implementing act should also confirm that “format” is interpreted broadly, for example, a PET bottle should represent one format regardless of size, weight or volume.

- Where a producer operates several plants, the Commission should also consider allowing recycled-content performance to be balanced between plants, especially if justified by economic or environmental circumstances.

Availability of recycled material

The availability of recycled material is a complex and economically sensitive issue.

- The implementing act should clarify how the availability of recycled material will be assessed. This is particularly important for polymers for which recycled material is not available yet at sufficient scale to meet Article 7 targets.
- Such an assessment should not focus only on collection and recycling capacity but should also consider competition for recycled materials from other markets, including non-food applications, as well as the evolution of market prices for recycled polymers.
- The implementing act should also confirm that the term “post-consumer waste” refers to any waste generated from plastic products that have been placed on the market or supplied for distribution, consumption or use in a third country in the course of a commercial activity, and this includes waste collected from industrial or retail operations.

Harmonised implementation

- The implementing act should prevent divergent national interpretation and additional national methodologies, including those adopted as transposition legislation of Single-use Plastics Directive. Experience with existing national schemes demonstrates the importance of a clear and harmonised EU approach.

2. Sustainability criteria for recycling installations

Our sector supports a level playing field between EU and non-EU recycling installations, following these principles:

- The Commission should ensure that the criteria do not create artificial barriers to trade and assess their potential trade implications.
- The sustainability criteria should be proportionate, without creating excessive barriers to the use or development of recycling technologies. The criteria should also be practical to implement, without requiring complicated or time-consuming studies.
- When setting the benchmark for recycling technology, the environmental performance of the substituted fossil-based materials should be considered as the reference point. All recycling solutions that deliver improved environmental performance should be recognised, including mechanical, semi-chemical and chemical recycling, as well as future technologies yet to be developed.
- The delegated act should also recognise that the relative environmental performance of recycling technologies may vary depending on the specific circumstances. Technologies that may perform less favourably than other recycling routes in certain scenarios can nevertheless provide better environmental performance than fossil-

based alternatives and should therefore not be excluded. Future alternatives should be assessed on their environmental performance against the relevant benchmark.

3. Equivalence for recycled content originating outside the EU

- The implementing act should focus on clarifying how recycled content is calculated and verified, without adding requirements beyond those already set out in Article 7.
- The PPWR should recognise relevant existing national and international standards to avoid creating divergence between certification schemes across countries. Regulation (EU) 2022/1616 already sets stringent requirements for recycled content in food-contact applications, while ISO standards provide the relevant framework for non-food-contact applications. The implementing act should build on these existing frameworks rather than introduce additional requirements.
- The existing regulatory framework and standards already provide sufficient safeguards to ensure safety and quality. A document jointly developed by EuPC, EXPRA/EPRO, NMWE, PETCORE EUROPE and UNESDA appropriately addresses foreseeable quality risks, and additional requirements would risk creating unnecessary complexity.
- As a rule, the Implementing Act should follow the precedent of existing measures, such as the traceability requirements for the “new technologies” under Single-use Plastics Directive.

Conclusion

Across all three acts, NMWE’s overarching priority is clarity, legal certainty and harmonised implementation. The rules should be clear, practical and proportionate, enabling companies to make the necessary investment and compliance decisions while avoiding divergent national approaches.

Natural Mineral Waters Europe has been the voice of natural mineral water and spring water since 1953. Today, we represent 550 producers who provide European consumers with unique, healthy and high-quality products. Pioneers in environmental custodianship, our members have a long tradition of working in partnership with local communities to safeguard the ecosystem around water resources. Our sustainability mission extends to achieving full circularity for all packaging.