

# EU PACKAGING AND PACKAGING WASTE REGULATION (PPWR)

## UNJUSTIFIED SECTOR-WIDE EXEMPTIONS FOR ENTIRE ALCOHOLIC BEVERAGE CATEGORIES ARE DISCRIMINATORY AND LEAD TO INCREASED PACKAGING WASTE

The European Commission's draft PPWR proposal and the amendments proposed by the European Parliament's ENVI Committee both discriminate amongst alcoholic beverage sectors when it comes to packaging reuse targets and mandatory participation in national deposit return systems (DRS). The exemptions granted to some alcoholic beverage sectors are unfair, unjustified and fail to confront the problem of excessive packaging and packaging waste.

### SUPPORT AMENDMENTS 447, 448 (OR A SPLIT VOTE ON 201) AND 449 IF YOU SUPPORT FAIRNESS, CUTTING PACKAGING WASTE AND PROTECTING THE ENVIRONMENT

On packaging reuse, the European Commission makes no mention of spirits targets, sets lower targets for wine and grants a full exemption for sparkling wine. The European Parliament's ENVI committee on the other hand adopted amendments that include spirits but then give a full exemption to wine and sparkling wine.

Neither approach can be justified from a market or environmental perspective, so the European Parliament should **support amendments 202 and 203 to delete the European Commission's discriminatory proposals and then SUPPORT AMENDMENT 448** or a split vote on amendment 201 from the ENVI committee to remove the discriminatory exemption for wines and sparkling wine.

Furthermore, in Article 44 and Recital 104, the European Parliament's ENVI Committee neglected to remove the derogation from participation in deposit return systems (DRS) given to wines, aromatised wines and spirit drinks if those products are packaged in metal cans or plastic bottles. To remove this unjustified exemption, MEPs should **SUPPORT AMENDMENTS 447 and 449**.

Whilst the case has been argued that reuse targets and DRS are inappropriate for wines and spirits products due to differences in the nature, production and distribution of the exempted products, these arguments are unsubstantiated and cannot justify exempting entire categories from the obligations that other categories such as beer are facing. Breaking down the various arguments:

- Whilst the collection of reusable packaging is a challenge for exported products, it must be recalled that exports to third countries are not covered by the targets – the circulation of products within the Single Market is not exclusive to the exempted product categories;
- Whilst return of packaging may be challenging for products that are not consumed within a short timeframe, this challenge is neither insurmountable, nor relevant to all products within the exempted categories, nor exclusive to the exempted product categories;
- The mandatory DRS obligations already exclude glass and only apply to metal cans and plastic bottles, both increasingly used packaging materials for some wines and spirit mixed drinks – simply put, when it comes to recycling, a beverage can is a beverage can, regardless of the content;
- National DRS systems have shown that they are able to include cans and bottles from all alcoholic drink sectors;
- The draft Regulation allows targeted exemptions on the basis of objective criteria, open to all sectors, rather than unjustified, sector-wide exemptions based on exceptions;
- European Case Law has consistently concluded that beer competes with other alcoholic beverage categories and should not be unfairly discriminated against in legislation;

To summarise, the fact that reuse targets and collection systems may necessitate a change in business practices is no reason for full exemptions for entire sectors when business-as-usual is not an option if the EU is to achieve its ambitions in terms of environmental sustainability, circularity and packaging waste reduction. To remove this environmentally unfriendly discrimination, MEPs should approve amendments 447-449.

## MEPS ARE INVITED TO SUPPORT THE FOLLOWING AMENDMENTS:

### AMENDMENT 448 OR A SPLIT VOTE ON AMENDMENT 201 - ARTICLE 26 - PARAGRAPH 3 A (NEW)

#### ENVI amendment 201

3b. Where a final distributor makes alcoholic beverages, with the exception of wine and sparkling wines, in sales packaging available on the market within the territory of a Member State, it :

(a) shall ensure that from 1 January 2030, at least 10 % of those products are made available in reusable packaging within a system for re-use;

(b) shall aim to ensure that from 1 January 2040, at least 25 % of those products are made available in reusable packaging within a system for re-use;

c) shall meet the above targets in a manner that other alcoholic beverage category (as defined in Council Directive 92/83/EEC EU) fairly contributes to the re-use target;

(d) shall ensure that brands owned by the final distributor contribute fairly to the re-use target;

(e) shall allow manufacturers the flexibility to achieve reuse targets across their portfolio.

#### Amendment 448

3b. Where a final distributor makes alcoholic beverages, ~~with the exception of wine and sparkling wines,~~ in sales packaging available on the market within the territory of a Member State, it :

(a) shall ensure that from 1 January 2030, at least 10 % of those products are made available in reusable packaging within a system for re-use;

(b) shall aim to ensure that from 1 January 2040, at least 25 % of those products are made available in reusable packaging within a system for re-use;

c) shall meet the above targets in a manner that ~~other each~~ alcoholic beverage category (as defined in Council Directive 92/83/EEC EU) fairly contributes to the re-use target;

(d) shall ensure that brands owned by the final distributor contribute fairly to the re-use target;

(e) shall allow manufacturers the flexibility to achieve reuse targets across their portfolio.

### AMENDMENT 449 - ARTICLE 44 - PARAGRAPH 1 AND 2

#### Commission and ENVI text

1. By 1 January 2029, Member States shall take the necessary measures to ensure that deposit and return systems are set up for:

(a) single use plastic beverage bottles with the capacity of up to three litres; and

(b) single use metal beverage containers with a capacity of up to three litres.

2. The obligation laid down in paragraph 1 does not apply to packaging for:

(a) wine, aromatised wine products, and spirit drinks;

(b) milk and milk products listed in Part XVI of Annex I to Regulation (EU) No 1308/2013.

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~~(b) milk and milk products listed in Part XVI of Annex I to Regulation (EU) No 1308/2013.~~

### AMENDMENT 447 - RECITAL 104

#### Commission and ENVI text

(104) Given the nature of the products and the differences in their production and distribution systems, deposit and return systems should however not be obligatory for packaging for wine, aromatised wine products, spirit drinks and milk and milk products listed in Part XVI of Annex I of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council. Member States may establish deposit and return systems covering also other packaging.

#### Amendment 447

(104) Given the nature of the products and the differences in their production and distribution systems, deposit and return systems should however not be obligatory for packaging for ~~wine, aromatised wine products, spirit drinks and~~ milk and milk products listed in Part XVI of Annex I of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council. Member States may establish deposit and return systems covering also other packaging.