

## **EFIC comments on TRIS notification 2022/325/E (Spain)**

### **Draft Royal Decree on Packaging and Packaging Waste**

June 2022

**EFIC, the European Furniture Industries Confederation, welcomes the possibility to provide comments to the Draft Royal Decree notified by Spain in the European Commission's TRIS database on 06 May 2022. This Royal Decree sets out packaging reduction objectives, as well as obligations for packaging reuse, recycling of packaging waste and marking requirements. It also reviews the Extended Producers Responsibility (EPR) scheme for household packaging.**

**EFIC key concerns are related to:**

- Chapter II in Title I – Prevention and reuse of packaging, particularly article 6 (1) (a)
- Chapter I in title II – Package design and marking requirements, particularly articles 13, 21 (3) and 23.
- Chapter II in Title II – Obligations to provide information on placing packaging on the market, particularly article 15.

**EFIC also supports the joint industry position published by EUROOPEN on 9 June 2022.**

### **Prevention and reuse of packaging**

**Article 6 (1) (a):** *"In order to make progress in reducing the quantity and impact of packaging waste on the environment, the following prevention objectives are set and must be met at state level: a) Achieve a reduction in the weight of packaging waste produced by 13% in 2025 and 15% by 2030 compared to that generated in 2010."*

#### **EFIC comment:**

The Royal Decree **sets unilateral and ambitious waste reduction targets, which go beyond what is currently stipulated in Directive 94/62/EC on Packaging and Packaging Waste (PPWD).**

In addition, **the Royal Decree effectively pre-empts the ongoing revision of the PPWD**, whereby the European Commission is expected to establish EU-wide waste reduction targets at Member State level. This creates confusion in the regulatory framework and additional regulatory hurdles for economic actors operating in the Spanish market. Reuse requirements should therefore be introduced in a harmonised way at EU level.

Finally, the decree sets waste reduction targets regardless of the material. We believe that having specific targets for different materials will make it easier to achieve the targets given. When taking the example of paper and plastic, paper-based packaging generally weighs more than plastic packaging but it could be part of a sustainable choice from a materials perspective. Hence, we call on the Spanish

government to align with EU efforts to establish common targets and consider differences in packaging materials.

## Marking requirements

- **Articles 13 and 21 (3) - marking requirements**

The Royal Decree introduces a new marking requirement, following the French and Italian examples, notably:

**Article 13.2:** *“Household packaging shall indicate the fraction or container in which such packaging waste is to be deposited. In the case of packaging made of different materials, if these can be easily separated, the fraction or container where they are to be deposited shall be indicated. Where the materials cannot be easily separated, or in the case of composite packaging, the fraction or container corresponding to the predominant material by weight shall be indicated, unless it is demonstrated that there is a better alternative of collection that avoids possible incidents in the subsequent recycling process, indicating in this case the container in which it is to be deposited.”*

### EFIC comment:

**Producers are increasingly required to comply with cumulative or even contradictory marking requirements.** The ongoing review of the PPWD represents a great opportunity to set common requirements on which information should be provided to consumers and how this should be done. By introducing unilateral marking requirements, **Spain is anticipating forthcoming EU legislation**, most notably the revision of the PPWD and the European Commission proposal for a Directive on Empowering Consumers for the Green Transition. This clearly undermines the effectiveness of actions undertaken at EU level and places unproportionate burdens on economic operators.

EFIC calls for an EU approach with clear and harmonised measures, especially in light of the above-mentioned PPWD revision, which is expected to be published in Q4 2022.

In addition to this, Article 21 (3) - which established general obligations for EPR schemes - states that accreditation symbols shall be clear and unambiguous and not mislead consumers. In this regard, the “Green Dot” is considered to be misleading to consumers. EFIC supports the disappearance of the “Green Dot”.

## Recycling

**Article 21. 1 f)** : *“They shall lay down the necessary measures to ensure compliance with the objectives of Article 11.3 and 11.4, as well as those that may be established for the **incorporation of recycled materials into new packaging**, facilitating the availability of the materials in sufficient*

### EFIC comment:

In EFIC opinion, the incorporation of recycled materials represents a challenge. We understand the importance of it as it is a key step to optimise the use of natural resources and cut emissions, as stated

in the EU Circular Economy Action Plan. However, we believe that this topic should be regulated at EU level in order to have a solid, safe and harmonised approach.

## Producer Responsibility

**Article 15. Inscription in the Register of Product Producers: "3. At the time of registration, a registration number shall be assigned to the invoices and any other documentation accompanying the commercial transactions of packaged products from their placing on the market to the points of sale of goods or products to consumers for household packaging, or to the end-user for commercial and industrial packaging."**

### EFIC comment:

By obliging all economic operators to display the registration number all the way down to point of sales the Royal Decree is imposing labelling requirements on products originating from other Member States and thereby impacting their free circulation across the internal market. We ask for clarification on this point as it is a very unclear message, especially if this is leading to the need to print this number on each packaging.

## Conclusions

The European furniture industries believe that in order to be effective, a common language is needed at EU level for packaging reduction targets, packaging reuse obligations and packaging waste and marking requirements. The Spanish authorities should abstain from imposing unilateral requirements which will pre-empt forthcoming EU legislation and create barriers to trade. We support the revision of the PPWD and we see it as an important opportunity to create a common language for all players involved, which will benefit EU consumers, the environment and the internal market. We therefore invite the Spanish authorities to await and comply with the provisions that will be put in place at EU level. Finally, EFIC welcomes the Commission's intention, with the upcoming revision of the PPWD, to transform the Directive into a Regulation, as this will help to avoid fragmentation of the European internal market in terms of packaging waste reduction and labelling and thus greatly contribute to overcoming many existing trade barriers.

*EFIC is the European Furniture Industries Confederation, representing over 70% of the total turnover of the European Furniture Industries, a sector employing 1 million people in about 120.000 enterprises across the EU and generating a turnover of over 100 billion Euros. The EFIC membership is composed of 17 national associations, one individual company member and several clusters. <https://www.efic.eu/>*

For further information, please contact:

**Camilla Smorra – EFIC Communication and Policy Officer** ([info@efic.eu](mailto:info@efic.eu) | T: 0032 (0)2 287 08 86)