

Please note – Online translated from original source document in Finnish from the from the website of the Finnish government <https://valtioneuvosto.fi/delegate/file/116670> from page 15 onwards which describes the Finnish position on PPWR. Finnish government adopted its position on February 2

## Position of the Finnish State Council

### General objectives of the proposal

In general, the Council of State considers the objectives of the proposed regulation to be good and worthy of support, but has preliminary reservations about some of the means proposed in the proposal for a Regulation.

The proposal aims at reducing the use of natural resources, creating a predictable regulatory environment for the whole life cycle of packaging and a functioning market for recycled raw materials. The objectives of the proposal to prevent the generation of packaging waste, to promote reuse and the supply of high quality recycling and to increase the use of recycled materials are very welcome. The Government considers that the proposal for a Regulation should be carefully examined, in particular to ensure policy coherence between different EU-level actions and different sectors. Regulatory predictability is important to create a stable investment environment, which will contribute to encouraging investment in new, innovative packaging solutions.

### Reducing packaging waste

The Government considers that in order to reduce the use of virgin packaging material, it is necessary to uniform EU-wide regulation. The Government considers the proposed targets for reducing packaging waste to be very ambitious, but crucial for sustainable use of natural resources. The Government supports the proposed obligation for the Commission to review the packaging waste reduction targets eight years after the entry into force of the Regulation. The Government supports the reduction of excessive and unnecessary packaging, such as the ban on overpackaging. With regard to food packaging, the Government attaches great importance to the fact that the reduction of packaging should not lead to an increase in food waste or endanger food safety. The Government considers that the Commission's impact assessment of the proposal on the impact on food waste is insufficient. The Government will formulate more detailed positions as the proposal progresses.

### General position on reuse of packaging

The Government considers that the reuse and recyclability of packaging will continue to be complementary solutions to achieve packaging waste reduction targets, also taking into account the high recycling rate of fibre-based packaging. In line with the waste hierarchy defined in the Waste Framework Directive (2008/98/EC), the Council of Ministers supports from the outset the proposed principle of imposing restrictions on the use and reuse requirements for single-use packaging for which better reuse alternatives exist in terms of overall environmental impact or for which reuse would otherwise be appropriate. However, the Government considers that, in accordance with the Waste Framework Directive (2008/98/EC), a derogation from the waste hierarchy may continue to be justified for certain waste streams, in line with life-cycle thinking, which should also be taken into account in the Regulation. The Council of State considers the derogations for small enterprises in the proposal to be worthy of support.

### **Restriction on the use of single-use packaging in restaurants**

The Council notes that the ban on the use of single-use packaging for serving food in cafés and restaurants requires critical further examination. The Council of State considers it necessary to obtain further information on the impact of the proposal and on the estimated overall environmental impact of the reuse obligations already in force in EU Member States. The Council of State considers that the Regulation should include the possibility to derogate from the ban on single-use packaging for on-premises serving in cafés and restaurants, if other appropriate alternatives with a better overall environmental impact exist.

### **List of restricted types of packaging and exemptions for non-restaurants**

The Government considers that the proposed list of prohibited types of packaging and the target levels of reuse and the need for exemptions should be further assessed. The Government considers that the criteria for exemptions for prohibited types of packaging and the criteria for exemptions from the proposed reuse targets should be included in the draft regulation. In order to assess the intended effects of the regulation, the derogations should be specific and justified, such as technical feasibility barriers, lack of reuse alternatives, environmental impact based on life-cycle assessment, product integrity, prevention of food waste or adverse environmental or health effects, or product durability requirements.

### **A more detailed position on a few separate re-use targets and restrictions**

The Council has preliminary reservations on the Commission's proposed re-use targets for beverage packaging and the ban on the use of single-use packaging (less than 1.5 kg) for fresh fruit and vegetables. The reuse targets may lead to a shift from carton packaging, which has a lower overall environmental impact, to more peelable solutions. For single-use packaging of fruit and vegetables, particular attention needs to be paid to the relationship of the proposal to the estimated food waste. In addition, the proposal needs to be further examined with regard to the re-use targets for transport packaging, both in general and between economic operators and between individual company sites.

### **Role of Life Cycle Assessments**

The Council recognises the uncertainties associated with life-cycle assessments and the importance of the output assumptions chosen in the final outcome of the life-cycle assessment. Nevertheless, despite the uncertainties, the Council of State considers life-cycle assessments as an important tool for the assessment of exceptions in the proposal.

### **Further review of the proposal**

The Government supports the obligation for the Commission to review the re-use targets eight years after the entry into force of the Regulation and, if necessary, to propose legislative amendments. The Government considers that there are uncertainties, especially with regard to the requirements for the period up to 2040. A review is necessary because the impact of reuse schemes is difficult to assess on the basis of the current situation, as many schemes are still being created or implemented on a larger scale and new products and schemes are emerging. The Government considers it important to ensure that the requirements for open and closed reuse systems do not constrain

innovation at the system level, as a reuse system may overlap characteristics of both open and closed systems.

The Government will complete its position as the negotiations progress, taking into account Finland's overall interest.

### **Obligations on the use of recycled plastic**

The Council welcomes the proposed requirement to use recycled material in the manufacture of plastic packaging. The requirement creates an incentive to invest in plastic recycling and is a key factor in creating the necessary recycling capacity and a functioning market at EU level.

However, the Government considers that the requirements for plastic parts of packaging other than all-plastic packaging, such as coatings and liners, still require further examination, in particular with regard to technical feasibility.

The Government considers that the targets for the use of recycled plastics may be difficult to achieve without chemical recycling, in particular for certain food contact packaging, and the feasibility of the target levels should be further assessed in this respect. Chemical recycling and other possible innovative recycling technologies should be taken into account in the implementing legislation on the rules for determining the content of recycled material and calculating recycling rates.

Regulation (EU) 2022/1616 on recycled plastic for food contact will require quality assurance and certification of plastic waste from 2024 onwards. The Council of State considers that it would be important to ensure the availability of high quality plastic waste raw material for other recycled plastic products as well. The proposed regulation should not lead to uncontrolled imports of recycled raw material from third countries.

The Council of State considers it important to set a target for recycled plastic, but in further discussions it should be considered whether the content requirement for recycled plastic could be modified so that it could be partly met by bio-based plastic, especially taking into account the uncertainties about the availability of recycled plastic on the market. The Government considers that bio-based plastics and other materials have an important role to play in decoupling from fossil raw materials

### **Packaging recyclability targets**

The Government sees a strong need for a requirement for all packaging to be recyclable. Improving recyclability is essential to achieve the ambitious recycling targets for packaging waste.

The Council of State sees the need for a proposed five-year transition period for innovative packaging from the recyclability requirements. However, the Government considers that the scalability requirements for recycling are very open to interpretation and would probably be difficult to achieve for innovative packaging. The Council concludes that the scalability requirements for

recycling should be clarified and their appropriateness assessed, as well as the possibility of defining them on a Member State-by-Member State basis in the light of national specificities.

taking into account national circumstances.

#### Compostability requirement

The Council of Ministers considers that the proposal to require all very lightweight plastic carrier bags to be compostable needs to be further assessed. Biodegradable plastic bags are a problem in some bio-waste treatment plants. There is also a risk that compostable bags could end up in plastic recycling instead of bio-waste, which would significantly reduce the quality of the recycled plastic.

#### **Labelling requirements**

The Council of Ministers attaches great importance to the proposed labelling requirements for packaging and waste collection containers.

which would facilitate and promote the sorting of packaging waste. However, the Council has reservations about the feasibility of labelling of distance-selling packaging and the practical implementation of controls.

For reusable packaging that consists of a canister base, the Government does not consider it appropriate to require digital labelling on all parts,

but it should be sufficient for the packaging to have at least one digital marking if

the other parts are clearly marked as such.

#### **Reporting requirements**

The reporting of data by packaging category required by the proposal would result in a large administrative burden for both producers and the authorities. The Government therefore considers that the appropriateness of the proposed packaging categories should be further assessed. Packaging conformity of packaging and documentation should be further reviewed

from the point of view of the justification of the administrative burden

#### **Implementing producer responsibility and other waste management**

The Government considers that producer responsibility, the deposit collection scheme and packaging waste management should be formulated in sufficiently general terms to enable take into account the specificities of the national systems of the Member States. Government also considers that the roles and responsibilities of other waste management operators in the implementation of producer responsibility should be clearly defined. The Government has reservations about the requirement for a deposit collection system, that states with significant cross-border trade should ensure that deposit systems interoperability. The Government is of the opinion that the interoperability of the deposit system of different countries the appropriateness and feasibility of the requirement of interoperability of the from a cost-benefit perspective, leaving room for national solutions.

The Government warmly welcomes the proposed obligation to ensure that distance selling platform operator must ensure that distance sellers selling on the platform carry out their own sales activities. producer responsibility for packaging in the Member State where the buyer is located. The proposed requirement for producers to appoint an authorised representative in all Member States, where it

makes packaging available for the first time on the market, the relationship between the importer and the of the importer should be clarified.

### **The proposed delegation of powers to the Commission**

The Council of State is critical of the scope of the proposed delegation of powers to the Commission. In particular, it draws attention to the proposed delegation of powers to the Commission

on issues concerning the revision of the detailed targets and requirements for the use of recycled material set out in the proposal. In the further preparation, the delegation of power should be examined in particular with regard to requirements relating to re-use targets and their calculation methods, as well as to the minimum content of recycled material in packaging. Although these are technical issues, they are of key importance for the implementation of the proposed package. To the extent that legislative powers are delegated to the Commission, the scope and precision of the proposed delegations will need to be carefully considered.

In addition, the Commission's preparation of implementing acts should take into account the ongoing reform of the EU legislation on food contact materials and the implementation of the Chemical Strategy for Europe.

objectives of the Chemical Strategy on the chemical safety of consumer products. The Government considers it important to involve stakeholders and industry in the preparation of the Commission's legislative acts.

### **Legal basis of the proposal**

Based on a preliminary examination by the Council of State, the legal basis of the proposal (Article 114 TFEU, Internal Market) is largely appropriate. However, the Government considers it appropriate to assess whether the legal basis for the regulation of producer responsibility should be (Article 192(1) TFEU) (see Chapter 4 for more details).

### **Sanctions**

On the basis of a preliminary examination, the Council of State has reservations about the proposed sanctions to the extent that the use of an administrative penalty payment would become mandatory in Member States or

as a matter of priority. Instead of favouring certain types of sanctions, the Government considers it important that

that the sanctions introduced are effective and proportionate.