Genossenschaft Deutscher Brunnen eG | VDM Verband Deutscher Mineralbrunnen e.V. | wafg Wirtschaftsvereinigung Alkoholfreie Getränke

Herrn
Dr. Michael Siemann
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Vermeidung und Verwertung von
Verpackungsabfällen, Wertstoffrückgewinnung
Bundesministerium für Umwelt, Klimaschutz,
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Mindestrezyklatanteil nach der EU-Einweg-Kunststoff-Richtlinie
Vorschläge zur ausschließlichen Berücksichtigung von Materialien aus der EU werfen Fragen auf

Sehr geehrter Herr Dr. Siemann,

auf der EU-Ebene wird derzeit ein Durchführungsbeschluss zur Berechnungsmethode für den Rezyklatanteil für Einwegkunststoffflaschen nach der EU-Einweg-Kunststoff-Richtlinie beraten.

Grundlegende Fragen werfen dabei Vorschläge auf, wonach für die Erfüllung der Mindestrezyklatvorgaben zukünftig ausschließlich in der EU hergestellte Materialien herangezogen werden sollen. Hierzu möchten wir Sie auf eine gemeinsame Positionierung unserer EU-Dachverbände Natural Mineral Waters Europe (NMWE) und Soft Drinks Europe (UNESDA) hinweisen (**Anlage 1**), die ergänzend konkrete Vorschläge zur Stärkung des Recyclings in der EU aufgestellt haben (**Anlage 2**).

Für Rückfragen und den fachlichen Austausch zu diesem Themenfeld sowie allen weiteren branchenrelevanten Fragestellungen stehen wir Ihnen und der Arbeitsgruppe C III 7 gerne zur Verfügung.

Mit freundlichen Grüßen

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NMWE and UNESDA views regarding the Draft Implementing Decision laying down rules for the application of the Single-Use Plastics Directive (SUPD) on the calculation, verification and reporting of data on recycled plastic content in single-use plastic beverage bottles

On behalf of Natural Mineral Waters Europe (NMWE) and UNESDA Soft Drinks Europe, we would like to **share our concerns about the draft Implementing Decision on the calculation rules for recycled content under the EU SUPD, ahead of the EU TAC meeting of 16 January during which the draft will be discussed.**

Our sectors play a major role in Europe's economy. With **1,200 plants** across the continent, we support **340,000 direct jobs**, each creating **seven more** along the value chain. Altogether, our activities generate **115 billion euros in turnover**.

Our sectors are also **pioneers in circularity and strong supporters of the European recycling sector**. We recognise the challenges the European recycling sector is facing, despite the beverage sector significantly and consistently investing towards strengthening EU collection and recycling capacities, **including by sourcing a large majority of its recycled materials from EU recyclers:**

- ✓ We are pursuing our investments in efficient beverage collection schemes across Europe including with the rollout of Deposit Return Systems (DRS) which generate more quality feedstock for recycling (today 16 EU countries already have a DRS, all funded by our sectors).
- ✓ We have also set recycled content ambitions that go beyond legal obligations under the Single-Use Plastics Directive (SUPD) and the Packaging and Packaging Waste Regulation (PPWR).

The EU needs a robust recycling sector and there should be a level playing field for EU and non-EU plastic recyclers – and the whole packaging value chain. The checks and safeguards provided in the plastic "winter package" published on 23 December - such as differentiated custom codes, audits in third countries' recycling installations and certification of recycled content - go in the direction of providing such level playing field.

At the same time, the EU also needs a beverage sector that can continue investing in circularity to support the recycling sector.

As the only sectors specifically subject to the SUPD's recycled content targets for PET bottles, we are responsible for meeting those obligations. To achieve this, we require fair competition, as well as access to affordable, high quality and compliant recycled materials.

Restricting the origin of recycled PET to the EU only until November 2027 is likely to have undesirable consequences for beverage packaging circularity. Restricting imports and limiting free trade can increase EU prices. A closed market poses also other risks, particularly the potential for anti-competitive practices or speculative behaviour when no alternative sourcing routes are available.

While we fully support the objective of reinforcing the EU recycling market, we are concerned that this measure was introduced <u>without</u> consultation of the obliged industry that must ultimately comply with these targets and <u>without</u> taking into account the impact on the availability, accessibility and affordability of rPET.

<u>**We would like to highlight several issues that, in our view, require urgent consideration:**</u>

- **Absence of impact assessment**: No evaluation has been conducted to assess the consequences of this restriction on the beverage industry, including its effects on the availability and price of recyclates:
  - ✓ Market contraction is indeed expected to drive up feedstock and resin prices, at a time when recycled materials, particularly recycled PET, are already significantly more expensive than virgin plastics. Availability and affordability of food-grade rPET are key to ensure that producers are able to acquire the material they need to meet SUPD mandatory targets and, possibly, exceed these. The continuous high premium in food-grade rPET prices, linked with high operating costs in Europe, are already preventing progress towards higher rates of rPET.
- **Lack of safeguard mechanisms**: The proposal does not foresee any measures to address potential shortages or price volatility - all of which could significantly hinder compliance efforts. In essence, the beverage industry will be forced to work with a restricted set of suppliers and absorb any resulting price increase, threatening the viability of many SMEs and further investments in circularity.
- **No transition period & lack of clarity on implementation timing**: The absence of a phased approach creates uncertainty for operators who have already secured or contracted recyclate supplies. It raises questions about the status of purchases already made or planned, creating legal and operational uncertainty. Indeed, the draft proposal is arising in a period in which most business plans for 2026 are closed and contracts with suppliers for 2026 quantities are signed. It doesn't create only legal and operational uncertainty but might also lead to financial consequences. Furthermore, there is a lack of clarity regarding the application date of the proposed restriction.
- **Disproportionate impact on the most committed investors**: The sectors that have invested the most in eco-design, in high-performing collection schemes, in boosting EU recyclate availability, and in exceeding EU recycled content requirements are paradoxically those negatively affected by the proposed restriction. On the other side, other non-obligated rPET users (including some not requiring food-grade materials) can still freely compete for feedstock and drive prices.
- **Reduced flexibility of sourcing**: While our industry already sources the majority of its recyclates from within the EU - and remains committed to doing so - maintaining a degree of sourcing flexibility is essential to ensure supply stability and continued progress toward higher recycled content levels, all the more so as beverage producers currently have no guarantee of access to the PET feedstock for recycling stemming from beverage bottles and are competing against non-obliged sectors for the materials.

For obligated beverage producers, compliance with the SUPD targets is only feasible with sufficient volumes of food-contact compliant rPET, at predictable price levels. A sudden restriction of eligible supply to EU-only material - without safeguards - creates a risk of shortages, price spikes, and non-compliance, and could crowd out investments to expand collection.

We respectfully urge Member States to take these concerns into account during the EU TAC discussions and call for the European Commission to:

- **pause the ongoing discussions with Member States on the implementing Decision;**
- **carry a proper impact assessment of the measure; and**
- **launch a targeted consultation with the obliged industry.**

We fully recognise the challenges faced by recyclers, despite the value chain's efforts to support them. Our sectors remain fully committed to strengthening the EU recycling industry. However, instead of strengthening the European recycling ecosystem, the proposed approach risks weakening the industries that have made the largest investments in its development and that are essential to driving further progress toward circularity.

In light of these considerations, we are sharing an Annex with a set of alternative measures that could more effectively support the EU recycling industry in the long term, while preserving the incentives for the beverage sector to continue investing in circularity. These proposals are specifically designed to improve **recycled material availability, accessibility, and affordability** - the three pillars that are indispensable for achieving the EU's circular economy objectives.

By adopting such measures, the EU can reinforce its leadership in sustainable resource management, secure the competitiveness of its recycling industry, and accelerate the transition to a truly circular economy. We stand ready to work with policymakers to make this vision a reality.

Co-signatories:

Natural Mineral Waters Europe (NMWE)

UNESDA Soft Drinks Europe

Strengthening the EU Recycling Sector: Bridging the Gap Between Recycled Material Availability, Market Accessibility and Affordability

The European recycling sector is at a critical juncture. Despite its central role in delivering on the EU's circular economy goals, EU recyclers are facing mounting pressure from rising energy costs to regulatory uncertainty and international competition.

UNESDA and NMWE, representing the European natural mineral waters sector and the European soft drinks sector, support EU recycling. We are pursuing our investments in efficient beverage collection schemes across Europe including with the rollout of Deposit Return Systems (DRS) which generate more quality feedstock for recycling. Also, our sectors have set ambitious recycled content targets that go beyond legal obligations under the Single-Use Plastics Directive (SUPD) and the Packaging and Packaging Waste Regulation (PPWR) despite the significant premium price for recycled content.

The EU indeed needs a robust recycling sector which is why we see ourselves as two industries with one common objective: increasing the availability and competitiveness of Europe-made recycled plastic.

To achieve this, recyclers need stable demand and fair competition; beverage producers need affordable, compliant feedstock. This is why we support fair markets and fair access as measures that raise quality, traceability, and competitiveness.

We believe in fairness and quality which is why our focus is on traceability, certification, and cost competitiveness, not blanket import bans. This avoids unintended supply shocks and supports a Single Market where verified, high-quality recycled material can flow.

We are committed to building a robust EU market for secondary raw materials, stimulating demand for recyclates, and supporting the competitiveness of the EU recycling industry. Targeted legislative action is now required to unlock the full potential of European recycling.

Our Recommendations:

Improving accessibility and affordability of recyclates

1. **Address cost disadvantages of recycled materials:** A persistent price gap between virgin PET and recycled PET - often reaching premiums of up to €700-€800/tonne - signals a structural market imbalance that both recyclers and users acknowledge must be addressed to ensure the long-term viability of circular models. The Commission should explore mechanisms that improve recyclates affordability without distorting the market, including by:
   - Granting fiscal incentives for investments in recycling facilities or tax credits related to the use of recycled content
   - Lowering the costs of rPET production (via energy costs reductions, fiscal incentives on energy use in facilities etc.)
   - Providing funding support for decarbonizing recycling processes

2. **Preserve flexibility in sourcing by maintaining the PPWR definition of post-consumer plastic waste and apply it to the SUPD:** To achieve our sectors' mandatory and voluntary recycled content targets, we are sourcing extensively from European recyclers as our clear preference is to strengthen EU circularity and ensure that value remains within Europe. However, restricting the use of recycled plastic content stemming from products placed outside of the EU market would significantly jeopardize the industry's journey towards circularity. This is why it is paramount to apply in both the PPWR and the SUPD a definition of 'post-consumer plastic waste' referring to plastic products that have been placed either on the EU market or supplied for distribution, consumption or use in a third country. Limiting post-consumer plastic waste to waste generated from products only placed on the EU market would raise multiple concerns that could undermine both environmental and economic objectives:
    - Imposing a de facto "made in Europe" obligation on recycled plastic would contradict free trade principles and risk incompatibility with WTO rules.
    - Market contraction would drive up feedstock and resin prices, at a time when recycled materials are already significantly more expensive than virgin plastics. Availability and affordability are key to fostering competition and incentivizing producers to exceed mandatory targets. Recent spikes in rPET prices have already led some beverage producers to delay their circularity commitments.
    - Limiting imports would reduce the supply of recycled plastics in the EU, raising doubts about whether sufficient volumes will be available to meet both mandatory and voluntary recycled content targets.
    - Ensuring that recycled materials meet the necessary quality and performance requirements is essential for maintaining product safety and integrity. Rather than restricting sourcing based on geographic origin, it is key to ensure that all recycled materials placed on the EU market meet the relevant quality and performance standards and that manufacturers retain the flexibility to procure compliant materials.

3. **Support priority access mechanisms that enable closed-loop recycling:** Since the introduction of mandatory recycled content targets at EU level, the share of rPET used in beverage bottles has risen significantly. In 2024, 51.7% of the PET used in the manufacturing of soft drinks plastic bottles was recycled PET (from 39.6% in 2023). This shift reflects industry responsiveness but the availability of recycled material does not automatically translate into accessibility or affordability. The beverage industry, including both large companies and SMEs, faces significant challenges in securing the necessary high-quality rPET due to steep price premiums over virgin plastic. A well-implemented priority access mechanism for the obliged industry can help stabilize the market by providing a stable access to high-quality recyclates to the obliged industry, and create predictable, long-term demand for recycled materials, while avoiding downcycling in other applications. This is critical for the viability of the plastics recycling industry, which depends on consistent offtake to justify investments in infrastructure, innovation, and capacity expansion.

    Importantly, this principle should be extended beyond the beverage sector, anywhere where it is feasible and makes sense from an environmental point of view. Any industry that has established a closed-loop system relies on the ability to retain the value of its recovered resources. Priority access mechanisms are therefore a foundational tool for maintaining the integrity of circular value chains across the European economy.

To facilitate this, the EU should consider extending separate-collection targets, recyclability requirements, and sector-specific recycled content use (where technically and economically feasible) beyond beverages so each sector develops its own loop and reduces competition for another sector's feedstock.

Facilitating a fair market which provides for a better and more transparent verification of compliance for feedstock from third countries

4. **Fast-track the adoption of a rPET certification scheme to complement the end-of-waste criteria for PET:** A harmonized and operational certification system as required by Article 6 of Regulation (EU) 2022/1616 will boost confidence in food-grade recyclates and facilitate market uptake. The beverage packaging value chain has taken the lead in defining requirements for the development of such a certification scheme in a guidance document which was presented to the European Commission. We now call for the Commission's official endorsement and presentation of the guidance to EU Member States. This is key to ensure a level playing field for all rPET, whether domestic or imported.

5. **Accelerate tariff code differentiation for virgin and recycled PET**: Clear customs classification is essential to improve traceability and a better monitoring of global trade flows. A differentiated customs code will support transparency and clarity as it will facilitate the capacity to verify that imported rPET has applied the above-mentioned certification requirements.

Increasing feedstock availability

6. **Encourage the rapid roll-out of efficient collection schemes, including DRS:** This is key to ensure sufficient high-quality feedstock for recycling. To improve the performance of separate waste collection practices in the EU, it is essential to ensure that Member States implement the mandatory DRS for beverage packaging as quickly as possible, rather than waiting until the legislative deadline. Indeed, the proper implementation of a DRS takes a minimum of 2 years following the appointment of a DRS administrator and 2-3 years are needed to grow to a mature collection and recycling level. Early adoption of DRS requirements, alongside the recyclability provisions in the PPWR, would significantly enhance collection rates and the quality of materials recovered. Targeted incentives should be introduced for both Member States and companies to accelerate the transition towards recyclable packaging and the establishment of high-performing collection schemes.

7. **Encourage design for recycling through a well-structured EPR fee system, including effective eco-modulation:** While PET bottles have long been optimised for high-quality recycling, other plastic packaging formats still present challenges that limit their ability to enter recycling systems. A well-structured EPR fee system, including effective eco-modulation, can help address problematic designs by levering the costs associated to them and incentivising producers to adopt recyclable formats. At the same time, eco-modulation can actively support the incorporation of recycled content by lowering EPR costs for brand owners who invest in circular design choices.

8. **Mandate EFSA to start the assessments of novel recycling technologies:** Industry needs a robust, trusted, efficient and swift assessment system for novel recycling technologies for food contact plastics, detailing decontamination efficiency.

This assessment should be carried out without unnecessary delays, leading to EU-wide authorisations for safe processes used in making food-grade recycled plastics. The EU legislation stipulates a 2-year monitoring phase after dossier submission for novel technologies, with a test report to be made every 6 months. Some applicants filed their dossiers when the Regulation (EU Reg 2022/1616) came into force and are now already at the 5th iteration of the report - but without the EFSA assessment. These processes are a key enabler for prosperity and innovation in the recycling value chain and EFSA assessments are therefore urgently needed.

Encouraging investments through legal certainty

9. **Provide legal clarity on the calculation method for the recycled content targets under the SUPD and the PPWR:** Harmonised rules across the EU will reduce fragmentation, lower compliance costs, and encourage the uptake of recycled content. Such calculation method should be as simple as possible and incentivize the uptake of recycled content. One of the issue faced with the current draft method is that it defines a bottle as being the body of the bottle itself, plus its cap and label or sleeve. This is creating unnecessary burden and complications for the companies required to comply with the targets and wishing to communicate recycled content to their consumers. The main reason is that there is currently no authorised mechanical recycling process which would allow the use of recycled content in caps for food-contact applications. Beverage manufacturers are making massive efforts to improve the design, collection, and recycling of their packaging and to use more and more recycled content. They may however be disincentivised to do so if the rules prevent them from communicating in a simpler and clear manner about 100% rPET bottles. To facilitate compliance, while maintaining a high level of ambition, the recycled plastic content in a single-use beverage bottle should only refer to the amount of recycled plastic occurring in the major component of the beverage bottle.

Supporting market stability

10. **Support the recycling value chain before introducing new fiscal measures or penalties:** The rPET market is highly speculative and sensitive to regulatory signals. New financial incentives or penalties could lead to unintended consequences such as speculative pricing and regional imbalances. Conducting robust impact assessments are essential before testing new interventions.

The ongoing work on a package to support the EU plastics recycling industry and the upcoming Circular Economy Act (CEA) proposal are pivotal opportunities to strengthen Europe's recycling sector. By adopting targeted legislative measures, the EU can reinforce its leadership in sustainable resource management, secure the competitiveness of its recycling industry, and accelerate the transition to a truly circular economy. We stand ready to work with policymakers to make this vision a reality.

<u>Co-signatories:</u>

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