



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

Notification 2022/325/E

ECMA, the European Carton Makers Association fully supports the objections posted so far by different industry associations and has undersigned the Joint Industry TRIS contribution posted by FoodDrinkEurope.

The Spanish Royal Decree has been notified while it is well known, the Commission is committed to and well progressing in the revision of the Packaging and Packaging Waste Directive. According to Article 6 of Directive (EU) 2015/1535 on TRIS, this initiative from the Commission should withhold Member States from adopting national technical regulations in the area.

**Rules on packaging prevention and reuse, recycled content and labelling need to be agreed at the European level.** A lack of harmonisation is creating a patchwork of national rules, leading to unnecessary additional costs and barriers to trade.

In addition, ECMA would like to highlight, the need for harmonisation is **also essential when setting criteria for modulating the financial contribution to collective extended producer responsibility schemes.**

In Annex VIII of the notified Spanish Royal Decree the general criteria for bonuses and penalties are set as well as specific bonuses and specific penalties per packaging material.

In ECMA's view eco-modulation criteria should definitely be EU harmonised and should not dogmatically favour the reuse solutions or even the use of recycled materials. When optimising packaging, different criteria need to be taken in account, aside from sustainability, such as the technical requirements in relation to the considered application, as well as the protection and safety of the product or packed food.

This optimisation process is all about finding the right balance between the science-based complementary use of virgin materials, the use of recycled substrates and reuse solutions.

ECMA noticed how in the specific penalties, any paper and board packaging printed with mineral oil containing inks may be penalised with an increased EPR fee in Spain.

**At the sector level, ECMA has been publicly recommending the use of mineral oil free, low migration inks for food packaging since 2010, but questions in the current context general unilateral provisions against mineral oil containing inks for all paper and board packaging.**

It is well-known that there are different sources for mineral oils also in the paper and board recycling loop, not just related to the packaging inks and to packaging manufactured in Spain.

Most mineral oil categories are not seen as being part of the most harmful chemical compound classes. The main toxicological concern is related to the polycyclic aromatic hydrocarbons (MOAH 3-7 rings) and the presence of this category of substances should already now be limited to the lowest achievable level. General provisions against all mineral oils, MOSH and MOAH in packaging inks seem disproportionate and arbitrary. Further toxicological assessments per mineral oil category are necessary.

A second specific penalty regarding paper and board, concerns cardboard reinforced with materials other than paper and paperboard.

In this context **the sector supports, the efforts being made to optimise the applied thin coatings necessary for certain applications**, the efforts to further improve the fibre yield of such packs in the recycling process **and is in favour of the adoption of a threshold** for the present coating in relation to the overall packaging weight. Higher EPR fees may be considered for packs with a coating above this threshold, above what is technically needed.

**ECMA, the European Carton Makers Association**  
Contact: Mike Turner, Managing Director

