



Association of the German
Confectionery Industry

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Statement of Position

on Plastic Packaging

The BDSI's position in brief:

The German confectionery industry is committed to a forward-looking and efficient use of the necessary resources and therefore welcomes and supports the transition efforts towards a circular economy. The German confectionery industry is aware of its responsibility to promote circular economy and protect the environment.

- ▶ Plastic packaging makes an important contribution to environmental and climate protection, as a greater volume of food would spoil without efficient packaging.
- ▶ In many cases the confectionery industry still has no alternatives to plastic packaging. They fulfil various value-adding and value-preserving functions, including protecting food from premature loss of quality and spoilage in the best interests of the consumer, thus ensuring an enjoyable and safe consumption of foods.
- ▶ Plastic packaging has been continuously optimised and reduced by the manufacturers for a number of years. The continuous improvement in the material efficiency of packaging saves resources and CO₂ emissions. Germany is a pioneer in the field of recycling and also that of plastic packaging. However, there is a great deal of recycling potential left in this packaging segment in particular.
- ▶ To increase the efficiency of waste processing cycles, the German confectionery industry is committed to promoting and advancing the technical development of sorting and recycling plants and the use of recycled plastic. An EU-wide, effective implementation of the existing rules governing extended producer responsibility is essential in this context.
- ▶ Recyclable packaging and the use of recyclates in food packaging material structures beyond PET must be made possible. The packaging must meet the food safety requirements of the products and hence the legal requirements. Today, this only holds true for a few applications and consequently restricts the confectionery industry.
- ▶ Research into the recovery and recyclability of packaging must be intensified. The energy balance, carbon footprint, and environmental footprint must be taken into account in the kind of recycling.

Plastic packaging makes an important contribution to environmental and climate protection, as a greater volume of food would spoil without efficient packaging.

Food often contains many times more resources and energy than the packaging material. Food must therefore be packaged in keeping with the requirements so as to reduce food losses. Food packaging prevents the loss of resources and spoilage of food. For example, a study conducted by denkstatt GmbH ("Avoiding food waste through packaging", 2015) showed that a plaited yeast bun wrapped in PP foil instead of in a paper bag led to only 0.8% waste instead of 11% because the product dried out less quickly.

Food packaging hence contributes to achieving the indicative Union-wide food waste reduction target of 50% by 2030.

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Packaging performs various tasks and must fulfil strict legal requirements, which are regulated, among other things, in the

- Regulation (EC) No 1935/2004 on materials and articles intended to come into contact with food,
- Regulation (EC) No 2023/2006 on good manufacturing practice for materials and articles intended to come into contact with food,
- Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food or in the
- Regulation (EC) No 282/2008 on recycled plastic materials and articles intended to come into contact with foods.

The following functions can, and must in part, be achieved by making a requirements-optimised selection of plastics for tailor-made packaging solutions:

- protection of food for hygienic reasons against entry of contaminants and other undesirable and volatile substances (e.g. mineral hydrocarbons) and odours,
- protection against microbial spoilage (e.g. germs/fungi),
- protection from light,
- protection against oxidation,
- longer shelf life,
- avoidance/reduction of temperature fluctuations,
- prevention of grease transfer to the packaging,
- protection against water absorption for dry products and also in areas with high humidity for other products,
- protection from insect damage,
- transport protection,
- aesthetics and recognisability of products,
- increasing the supply of goods oriented to the needs of the consumer through consumer-oriented sizes,
or
- communicating about the product.

Plastic packaging has been continuously optimised and reduced by the manufacturers for a number of years. The continuous improvement in the material efficiency of packaging saves resources and CO₂ emissions. Germany is a pioneer in the field of recycling and also that of plastic packaging. However, particular in this sphere there remains a great deal of recycling potential.

Since the introduction of the German Packaging Ordinance in 1991, German confectionery manufacturers have been continuously optimising and reducing the amount of packaging material used. Plastic packaging has become ever lighter since then. As a result of technical progress in the manufacturing sector, the use of plastic packaging is now 35% lower than what counted as state-of-the-art technology in 1991 (survey conducted by the German Association for Packaging Research / GVM, 2015).

Germany is a pioneer in the field of recycling and also that of plastic packaging. The recycling rates Germany has achieved, i.e. the share of recycled packaging in the overall volume collected, are unparalleled worldwide. According to the German Packaging Act, 58.5% of plastic packaging must be recycled as of 2019 and 63% from 2022 onwards. According to the German Federal Environment Agency, 69% of the total packaging waste generated in Germany in 2019 went into the recycling system. The achieved recycling rate varies for the respective materials. According to Germany's Central Agency Packaging Register (ZSVR), 58.5% of plastic packaging was recycled in 2019, thus fulfilling the requirements of the German Packaging Act. Nevertheless, there is still a lot of recycling potential left in this segment, compared to the other packaging types. This requires strenuous efforts all along the value chain, from the manufacturer (design for recycling) all the way through to the collection, sorting, and recycling systems. Further development of open and closed loops within Germany is also necessary for the turnaround in resources management to succeed. Finally, consumers can also help to close any gaps in material management flows by disposing of plastic packaging correctly – separately – and, above all, by not carelessly cluttering the environment.

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The recognition of the different materials and the various differing sizes of packaging stemming from the yellow bag or the yellow bin during sorting must be continuously improved so as to be able to recycle more materials. According to the today's state of the art technology, many composite materials are not, or only to a limited extent, recyclable, although many of these materials are essential for the purposes mentioned. Although monolayer packaging can be recycled easily in principle, this is currently often not done by waste management companies due to their lacking the necessary sorting technology. Polyethylene terephthalate (PET) is a thermoplastic that is well suited for recycling plastic bottles, for example. By contrast, PET thermoformed trays, used in many food packaging applications and today even contain recyclates, are currently not being recycled. Creating an even better infrastructure and improving the recycling structure and technology can also help increase the recyclability and recycled volumes of plastic packaging in the food and confectionery sector, leading to increased recycling rates. In addition, the BDSI supports open-ended research and the safety assessment of all possible recycling

processes that can provide food packaging-compliant secondary materials, including chemical recycling processes, for example.

An important part of this is the implementation of the already existing rules on extended producer responsibility throughout the EU. In Germany, since the end of 2019, the fees for participation in a “dual system” for waste avoidance and recycling are to be scaled according to the respective packaging’s recyclability. However, the implementation of this extended producer responsibility within the EU is at very different stages of implementation and is designed very differently, posing major challenges for companies that operate internationally.

Recyclable packaging and the use of recyclates in food packaging material structures beyond PET must be made possible. The packaging must meet the food safety requirements of the products and hence the legal requirements. Today, this only holds true for a few applications and consequently restricts the confectionery industry.

According to Art. 14 of the EU basic regulation 178/2002, food that is not safe may not be sold in the market. Foodstuffs are considered unsafe if it can be assumed that they are harmful to health or unsuitable for human consumption. Packaging, especially plastic packaging, serves to fulfil this legal requirement for foodstuffs. To this end, packaging must meet the requirements of various EU regulations, directives and national laws, such as the above-mentioned EU Regulation on food contact materials (1935/2004), Regulation (EU) No 10/2011 on plastic food contact materials, Regulation (EC) No 282/2008 on food contact materials made from recycled plastic, or the EU Regulation on good manufacturing practice for these materials (EC) No 2023/2006. In addition, the German Packaging Act also applies, in which the more stringent regulations from the Single-Use Plastics Directive (EU) 2019/904 are also implemented and must be complied with and financed by the entrepreneurs.

In achieving the objectives of dispensing with packaging material or using only recyclable packaging material, these legal obligations remain paramount and deliver the scope for action within which companies can and must operate. Especially when it comes to the use of recycle (shares) in packaging material structures, the regulatory requirements are currently only sporadically clear-cut. The legal framework must therefore be comprehensively and speedily adapted to enable those who are indeed willing users to use recycle in the quantities they have targeted within a legally secure framework for action.

Research into the recovery and recyclability of packaging must be intensified. The energy balance, carbon footprint, and environmental footprint must be taken into account in the kind of recycling.

According to the Germany’s Central Packaging Register (ZSVR), 58.5% of plastic packaging waste in Germany was recycled in 2019. According to the German Packaging Act, the recycling rate is to increase to 63% in 2022. All plastic packaging throughout Europe is to be recyclable or reusable by 2030. This absolutely requires an intensification of research into the recovery and recyclability of packaging, because the set goal cannot be achieved using today’s state-of-the-art technology.

At the same time, it must be ensured that alternative packaging materials are truly more sustainable than the materials they are intended to replace. In many cases, the supposedly simple solution is not truly the more sustainable one. For example, optimised multilayer packaging is thinner and therefore uses less material and generates less waste than thicker monolayer packaging. Even for theoretically completely compostable packaging, the waste management streams and thus the recyclability rates are not yet given in practice. A switch to so-called bio-plastics as packaging is not a viable solution, as biodegradable plastics do not degrade as intended in the composting plants currently in operation and are also not returned to the recycling system.

Hence the packaging industry is also called upon to offer solutions to the users of plastic packaging via which the demand for recyclable packaging can be realised. Innovation must be the driving motor for achieving higher rates of recyclability and improved degradability. But research must also focus on the factors energy balance, carbon footprint, and the environmental footprint of recycling or thermal recovery in its entirety.

For more information on BDSI positions please visit <https://www.bdsi.de/en/association/priorities/>

Bonn, 21 January 2021

The sector association:

The BDSI represents the economic interests of over 200 mostly medium-sized German confectionery companies. It is both a trade association and an employers' association. The German confectionery industry is the fourth-largest sector of the German food industry, accounting for around 10% of overall sales. It is particularly characterised by its strong focus on exports. Germany's confectionery manufacturers have an overall workforce of around 50,000 employees.