

Proposal for a Packaging and Packaging Waste Regulation (PPWR) - Impact on Transport Packaging for Dangerous Goods

RECHARGE position paper
October 2023

RECHARGE – the leading voice of the European advanced rechargeable and lithium batteries value chain in Europe – welcomes the Commission’s proposal for a Packaging and Packaging Waste Regulation (PPWR). This proposal will contribute to reaching the objective of the European Green Deal and the new circular economy action plan, by reducing packaging waste, promoting reusable and recyclable packaging, and enabling the EU to deliver on its sustainability goals.

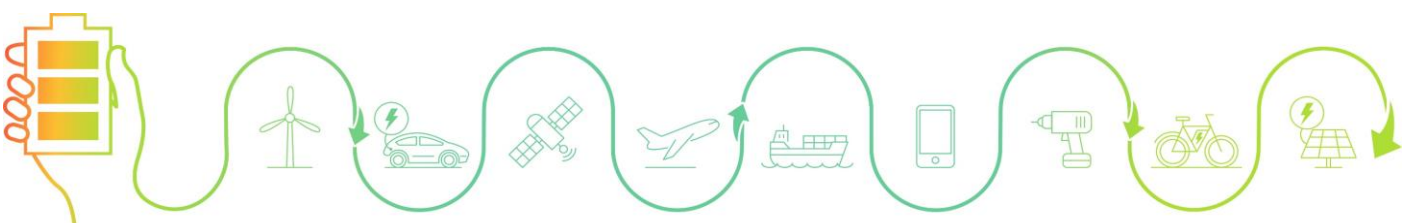
While the proposed PPWR addresses the entirety of packaging materials and waste across various sectors, RECHARGE expresses its **concerns regarding the implications for the transport packaging of dangerous goods, such as lithium-ion batteries or cathode active materials**. The PPWR does not differentiate packaging and subjects all packaging and waste packaging to its requirements, regardless of the packaging use case, material or origin. Consequently, transport packaging for dangerous goods currently falls under the scope of the PPWR, obliging it to meet among others reusability, refillability, and space reduction targets.

However, transport packaging for dangerous goods is already subject to specific regulations¹ and requirements to ensure the safety of people, property, and the environment during transportation. This is to minimise the risks associated with handling and transporting of hazardous materials. In this regard, while there is a growing emphasis on sustainability and reducing waste, **it is critical to have the transport packaging approved for dangerous goods excluded from the scope of the PPWR**.

The primary concern when handling dangerous goods is safety. It is essential to ensure strict packaging standards to prevent accidents, spills, leaks, and contamination. Reusing or refilling such packaging may compromise the integrity of the packaging, potentially leading to safety breaches and non-compliance with existing EU legislation. Dangerous goods packaging is carefully designed and tested to ensure compatibility with the specific hazardous materials they are meant to contain. **Reusing or refilling these containers can result in contamination, chemical reactions, or material degradation that can compromise the packaging's effectiveness and safety**. The environmental benefit is therefore not demonstrated. It should also be noted that any work made on these transport packaging (cutting and rewelding) will entail the loss of their UN approval/certification.

For example, battery materials such as Cathode Active Materials (CAM) are typically transported in packaging containing an inner liner made of a laminate consisting of polymer layers and an aluminum layer, sealed through welding – these are called FIBCs (flexible intermediate bulk containers, "big bags"). Attempting to reuse such packaging entails cutting and rewelding, which diminishes the loading capacity and necessitates stringent cleaning procedures prior to refilling. However, it would not be possible to re-

¹ UN Model Regulations Rev. 22 (2021) | UNECE



use the necessary solvents, as Carcinogenic, Mutagenic, and Reprotoxic (CMR) residues would remain in the packaging while it needs to be dry and clean before being refilled. The process would also generate a significant quantity of CMR solvent waste, which is environmentally unsustainable.

Furthermore, rewelding poses procedural challenges. Indeed, the size and material of the packaging cannot be changed easily as the filling of these aluminium bags is a highly automated process optimised for specific packaging dimensions, in dedicated systems that ensure the protection of workers from exposure to CMR substances. Overhauling production lines to adapt to these changes would be complex and economically unfeasible.

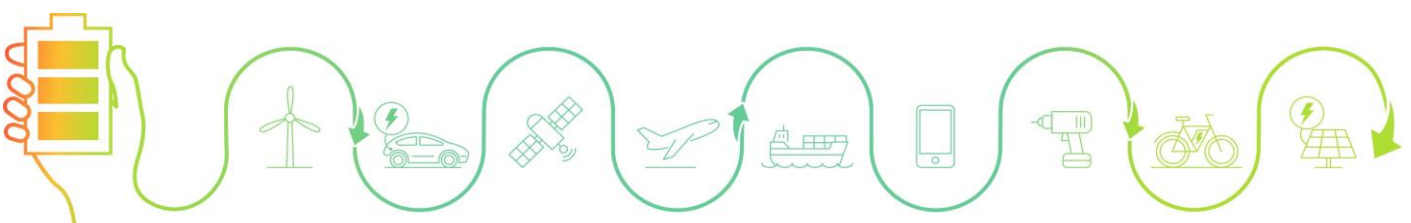
Currently, there are no viable substitutes for FIBCs with inlays in transporting battery materials. The use of steel drums is no suitable replacement since they would also warrant special inlays for the CMR content and could not be handled in the current filling systems. Also, no steel shall be used in the production area as any iron contamination is harming the battery performance. The considerably smaller size of a standard steel drum would also increase the costs for transportation. Additionally, the size of a standard drum (~220 liters) is too small as compared to the aluminium bags in use (1250 Kg).

RECHARGE appreciates the ENVI Committee negotiators' latest compromise proposal in Article 26, paragraph 16 of the PPWR, which empowers the Commission to adopt delegated acts for exemptions in specific packaging formats due to the hazardous nature of the product. However, this provision does not provide the needed certainty for the industry as there is no obligation posed on the Commission to present such a delegated act.

RECHARGE is calling for greater clarity and certainty in the legislation to ensure that the industry can operate effectively and that safety during the transportation of hazardous materials is upheld. Therefore, the association supports the following tabled amendments in ENVI Committee:

Amendment 474 – Recital 69

Text proposed by the Commission	Amendment
<p>(69) Certain uses of single use transport packaging formats are not necessary, as there is a wide range of well-functioning reusable alternatives. In order to ensure that such alternatives are effectively used, it is appropriate to require economic operators, when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises, to use only reusable transport packaging with respect to packaging formats such as pallets, foldable plastic boxes, plastic crates,</p>	<p>(69) Certain uses of single use transport packaging formats are not necessary, as there is a wide range of well-functioning reusable alternatives. In order to ensure that such alternatives are effectively used, it is appropriate to require economic operators, when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises, to use only reusable transport packaging with respect to packaging formats such as pallets, foldable plastic boxes and plastic crates. The</p>



<p>intermediate bulk containers, both rigid and flexible, or drums. The same obligation should, for the same reasons, apply to economic operators transporting products within one Member State.</p>	<p>same obligation should, for the same reasons, apply to economic operators transporting products within one Member State. Pursuant to Article 4(2) of Directive 2008/98/EC, exceptions must be possible if, according to a life cycle assessment, the use of easily recyclable single-use packaging is more suitable than the use of reusable packaging</p>
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Amendments 582, 584 – Article 2 – paragraph 1

Text proposed by the Commission	Amendment
<p>1. This Regulation applies to all packaging, regardless of the material used, and to all packaging waste, whether such waste is used in or originates from industry, other manufacturing, retail or distribution, offices, services or households.</p>	<p>1. This Regulation applies to all packaging, with the exception of packaging approved for the transport of dangerous goods regardless of the material used, and to all packaging waste, whether such waste is used in or originates from industry, other manufacturing, retail or distribution, offices, services or households.</p>

RECHARGE calls on policymakers to take these recommendations on board and guarantee the effectiveness and safety of dangerous goods’ packaging.

ABOUT RECHARGE



RECHARGE is the European industry association for advanced rechargeable and lithium batteries. Founded in 1998, it is our mission to promote advanced rechargeable batteries as a key technology that will contribute to a more empowered, sustainable and circular economy. RECHARGE’s unique membership covers all aspects of the advanced rechargeable battery value chain in Europe: from suppliers of primary and secondary raw materials, to battery, equipment and original equipment manufacturers (OEMs), to logistic partners and battery recyclers. www.rechargebatteries.org

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