



Toy Industries of Europe

Toy Industries of Europe (TIE) Position Paper

Proposal for a Regulation on Packaging and Packaging Waste

Brussels, March 2023

When done right, the revision of the EU's packaging rules can lead to less waste, boost the use of more sustainable materials in packaging and help companies to benefit from the Single Market.

To ensure that the revision achieves this, we recommend that the new rules:

1. Restore the Single Market and avoid any further fragmentation.

An EU-wide label for sorting will benefit the Single Market and lead to less waste. However, any possible national labelling obligations related to Extended Producer Responsibility (EPR) schemes on packaging (*e.g.* Green Dot, TRIMAN) will undermine this.

2. Put safety first. Any packaging minimisation requirements under the Packaging and Packaging Waste Regulation (PPWR) must not jeopardise toy safety and must align with the Toy Safety Directive.

3. Set feasible, tailor-made reuse targets for transport packaging. These should take into account the impact on the environment and the supply chain, especially for multinational toy producers with decentralised supply chains.

4. Propose realistic recycled content targets based on availability, quality, technical feasibility and cost of recycled plastics.

1. RESTORE THE SINGLE MARKET AND AVOID FURTHER FRAGMENTATION

We support the Commission's decision to convert the current Directive into a Regulation. The choice of a Regulation and a legal internal market basis (Article 114 TFEU) would avoid the fragmentation of the Single Market and lead to less packaging waste. However, for the new packaging requirements to be successful and put an end to divergent national measures, Member States should refrain from adopting national packaging requirements and mandatory labelling rules (including EPR symbols). The EU-wide sorting label is a step in the right direction and for it to work, we strongly argue that:

- **An EU-wide sorting label should prevail over national labelling rules.** In recent years, a concerning number of national initiatives on packaging requirements and labelling prevent toys - fully compliant with EU legislation – from entering several national markets¹. Toy manufacturers are forced to redesign their packaging for specific EU countries or use stickers (*e.g.* TRIMAN), leading to more packaging waste (bigger packaging to accommodate all the marking requirements, unnecessary stickers) and other negative impacts on the environment (difficulty to move unsold stock).
- **A harmonised EPR symbol.** We are concerned that the proposal allows Member States to introduce further labelling requirements to identify EPR schemes, as prescribed in Article 4(5). This is contrary to the spirit of harmonisation embedded in this review. It would only continue to fragment the Single

¹ France, Spain, Luxembourg, Italy and Portugal have introduced initiatives that pose intra-EU trade barriers.



Toy Industries of Europe

Market and add extra labelling obligations. We recommend a harmonised EPR symbol that would prove a company is registered with an eco-organisation². The symbol would be displayed in a contractual document or digitally.

- **Leverage the use of digital tools for EPR logos and other relevant information.** Due to the limited space on the packaging, it would be better to dematerialise any further information (*e.g.* EPR symbols, specifications of environmental claims, reuse information) and make them available digitally, based on geo-localisation. This would ensure that consumers are not confused by the information overload displayed on the packaging, as for example EPR logos (including TRIMAN information or other EPR symbols) can be misinterpreted as a sorting label (similar to Green Dot). Lastly, this would avoid increasing the size of the packaging, since it will only display information necessary for consumer (either about the product, or about the sorting of the packaging).
- **The sorting label should be a pictogram design with no text.** We want to stress the importance of having a “pictogram style” label, without text, that can both properly inform consumers how to dispose packaging waste and be easily implemented in all Member States. Toy packaging has to display a comprehensive amount of mandatory information under the Toy Safety Directive, such as safety warnings, conformity marks, contact details of economic operators and translations of this information into local languages. As mentioned above, there is limited space on the packaging, and any additional translations risks to overload consumers with information, as well as increase the packaging size to accommodate all the translations.
- **The sorting label should have an adequate and flexible transition period.** The development of new packaging follows an annual cycle. The process is optimised in all aspects - introducing new changes to labelling is highly complex. An EU label would impact packaging design, and an adequate transition is mandatory. A 24 months transition period after the implementing act that establishes the label is adopted would give companies enough time to adjust their packaging. At the same time, companies ready earlier should be allowed to place products with an EU sorting label on the market before the transition period lapses. In this regard, we recommend having a flexible approach and granting a “tolerance period” where both types of packaging are allowed on the market.

RECOMMENDATIONS:

- Ensure that the **EU harmonised label** will prevail over any national labelling rules, in line with Single Market principles.
- Set up a harmonised EU EPR symbol to avoid the proliferation of individual EPR symbols across Member States.
- Leverage the use of **digital tools** for EPR logos and other information to ensure consumers do not confuse it with a sorting label.
- EU sorting label should be designed as a **pictogram** with no wording to avoid different translations into local languages and related impacts on the packaging size.
- Have an **adequate** and **flexible transition** period of **24 months**, after entry into force of the implementing act, to comply with the EU harmonised labelling obligations.

² *e.g.* the Unique Identification Number (IDU) as required by the [French Law Environment Code Articles L541-10 to L541-10-17](#)).



2. PUT SAFETY FIRST. PACKAGING MINIMISATION SHOULD TAKE INTO ACCOUNT THE PARTICULARITIES OF PRODUCTS AND SAFETY REQUIREMENTS

Toy manufacturers support the overall goal of fighting packaging waste and overpackaging. They are continuously working to minimise their packaging to a minimum necessary level without compromising its functionality or safety. We now see more toy packaging using recycled material, or including the packaging in the play experience. The Toy Safety Directive obliges economic operators to ensure that, while a toy is under their responsibility, storage or transport conditions do not jeopardise its compliance with the safety requirements set out in the Directive. Packaging plays a key role in protecting the toy during stacking, transportation and in-store display. It keeps a toy undamaged and safe and thus prevents it from ending up as waste. To ensure that the new packaging requirements are coherent with the safety provisions in the Toy Safety Directive we recommend:

- To clearly define **“excessive” packaging** and consider that packaging that protects a toy is not automatically excessive packaging. For example, double walls are often used for ties that secure the toy inside the packaging. If these ties would pass through the external wall of the packaging, this would significantly increase the risk of tampering with the toy.
- An **adequate transition** period before manufacturers need to comply with the updated packaging minimisation requirements. As mentioned above, the development of new packaging follows an annual cycle and is a highly complex process optimised in all aspects. A **24-month period** after the Regulation’s entry into force should give manufacturers enough time to adjust to the new packaging minimisation requirements.

RECOMMENDATIONS:

- **New packaging minimisation requirements** should not overlap or contradict the Toy Safety Directive requirements, in particular for contact sensitive products.
- Packaging (including filling materials and empty space) that **protect a toy** should not be classified as excessive packaging.
- An adequate transition period of **24 months** in place for updated packaging minimisation requirements.

3. SET FEASIBLE, TAILOR-MADE REUSE TARGETS FOR TRANSPORT PACKAGING

The current transport reuse targets under Article 26 should not follow a one-size-fits-all approach but take into consideration the following:

- **Different types of transport packaging.** Transport packaging is essential for the movement of toys across the EU and the rest of the world. It protects the toys during transit and ensures that toys arrive uncontaminated, intact and safe to play with. Any reuse targets should take into account the variety of transport packaging (cartons, pallets, straps, wraps etc) and it should be tailored accordingly. For example, the reuse of pallets used for transport works in practice. However, pallet wraps and straps for stabilisation may be difficult to reuse because they could become ineffective or they could contaminate or damage the products. In this case, recycling them is a better option, especially if there is a good collection system.
- **Different models of businesses.** Reuse targets for transport packaging need to take into consideration the particularities of companies and the global nature of their supply chain. Setting up a reuse system for transport packaging is a complex operation. For example, for toy producers with multinational



Toy Industries of Europe

operations and a decentralised supply chain is difficult to facilitate the backward logistics required for reusable packaging. This usually involve a more substantial energy usage and a larger carbon footprint. In this case, it is a better solution to discard or recycle the transport packaging than, for example, shipping back pallets, boxes and wraps from distribution centres to ports.

RECOMMENDATIONS:

- Propose **feasible and tailor-made** reuse targets for transport packaging that would take into account the **particularities of companies** and different **types of transport packaging**.

4. PROPOSE REALISTIC RECYCLED CONTENT TARGETS

Recycled content targets should be forward-looking and reflect the availability, quality, technical feasibility and cost of recycled plastics. To ensure the **safety of toys** (and particularly in the case of combined food-toy products having to comply with strict Food Contact Material Legislation), recycled content targets must take into account the availability and cost of high-quality (e.g. food-grade) recycled materials to avoid any risk of contamination that could jeopardize the safety of the product. Additionally, in relation to the recycled content targets, the new rules should:

- **clarify the "plastic part"** definition of the packaging under Article 7. If any plastic part (no matter the size) has to comply with the recycled content targets, even a small plastic part used to seal or hold together a paper package would have to respect the recycled content targets. This would lead manufacturers to rely on lower-quality recycled content material, increasing the possibilities of product contamination or using more packaging to ensure the toy's safety.
- **unlock alternative recycling technologies**, such as chemical recycling to complement mechanical recycling, to improve the availability of high-quality (food grade) recycled content materials and support the industry sector to achieve the required targets.

RECOMMENDATIONS:

- Any recycled content targets should take into account the availability, quality, technical feasibility and cost of recycled plastics, reflecting the varying challenges from different sectors.
- Safety concerns and potential risks of contamination (particularly for contact sensitive products) should be also be considered.
- Unlock chemical recycling technologies to improve the availability of high-quality recycled content materials.

About Toy Industries of Europe

Toy Industries of Europe (TIE) – our mission is to promote the right of every child to play safely and securely and to promote fair practices and fair legislation, allowing responsible companies to continue to grow.

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