



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Circular Economy & Green Growth
Waste Management & Secondary Materials

Brussels
ENV.B.3/LM

Subject: Reply to your petition dated 17 December 2019 to Commissioner Sinkevičius on coffee capsules

Dear Petitioner,

Thank you for your letter with the proposal for the Commission to stand up for a ban on disposable coffee capsules at EU level. Commissioner Sinkevičius asked me to reply to your e-mail.

We fully share your underlying concern, which goes along with the EU policy, that priority is to be given to the prevention of waste. This is enshrined in all our waste legislation, for example, in the Waste Framework Directive (2008/98/EC), Packaging and Packaging Waste Directive (PPWD; 94/62/EC)¹ and, most recently, in the Directive on the reduction of the impact of certain plastic products on the environment (2019/904/EC; SUP Directive)² which addresses the specific problem of single-use plastics. The SUP Directive, adopted in June 2019, addresses the ten plastic items that most contribute to marine litter, which is an environmental problem of global significance and urgency.

It contains a combination of measures to be taken by Member States, best fit with regard to the respective product categories covered, including national consumption reduction targets, bans for certain items, marking and product-design requirements, targets for separate collection, obligations on producers to pay for waste management and litter clean-up cost and providing information to consumers. Next to incentivising the production of more sustainable alternatives to the plastic products in question, the Directive also aims to boost consumer awareness and support for reusable options, which, as an approach, could become relevant also for other products in the future.

While the current EU legislation does not contain a ban specifically for disposable coffee capsules, following the adoption of the Commission's new Circular Economy Action Plan³ in March 2020, a number of relevant work streams aim to support a move towards

¹ OJ L 365, 31.12.1994, p. 10–23

² OJ L 155, 12.6.2019, p. 1 - 19

³ COM(2020)98final, URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1583933814386&uri=COM:2020:98:FIN>

less wasteful products and to encourage and enable consumers to make sustainable choices, favouring waste prevention and reuse. This is necessary in the face of the continuing growth in the generation of waste, and complements efforts aiming to increase the recycling of waste. It can be observed that the latter appears to be the option proposed to consumers by the producers of the coffee capsules you mention, in the form of closed-loop recycling systems and the related infrastructure.

In line with the commitments taken in the new Circular Economy Action Plan, the Commission is undertaking work towards reinforcing the mandatory essential requirement for packaging placed on the EU market and considers other measures, with a focus on:

- Reducing (over)packaging and packaging waste, including by setting targets and other waste prevention measures;
- Driving design for re-use and recyclability of packaging, including considering restriction on the use of some packaging materials for certain applications (...);
- Considering reducing the complexity of packaging materials (...).

A first study that addressed how the essential requirements for packaging can be made more precise and enforceable will be published shortly. A second study to assess the options, and related impacts, to achieve the above mentioned objectives has recently be launched. As part of the preparatory work towards a proposal to amend the Packaging and Packaging Waste Directive planned for 2021, the Commission will organise an open public consultation in mid-2020 to gather views of citizens and stakeholders.

The coffee capsules you refer to do not as such meet the definition of “packaging” in the Packaging Directive, which state that an item is *not* packaging if “it is an integral part of a product and it is necessary to contain, support or preserve that product throughout its lifetime and all elements are intended to be used, consumed or disposed of together. However the Packaging Directive applies to those coffee capsules “left empty after use”, which are defined as “packaging”. The reviewed Packaging Directive sets targets for the recycling of, among others, aluminium packaging, of 50% by 2025 and 60% by 2030 respectively.

Furthermore, a number of obligations stemming from the general waste legislation, apply and have recently been reinforced. For instance, the Waste Framework Directive, as reviewed in 2018, steps up obligations of Member States to promote waste prevention and reuse. This includes, among others, the obligation “to encourage the design, manufacturing and use of products that are resource-efficient, durable (...), repairable, reusable and upgradable”, or to “develop and support information campaigns to raise awareness about waste prevention and littering”. Member States have to implement national programmes, incentives under extended producer responsibility, and/or use other economic instruments to prevent the generation of packaging waste and to minimise the environmental impacts of packaging including taking action to monitor and assess the implementation of the waste prevention measures mentioned in the Directive. The Commission is required examine the possibility of setting quantitative targets on reuse of packaging by 2025. The review of the EU waste legislation has also strengthened the Extended Producer Responsibility obliging Member States to set up systems, which – by means of modulating fees paid by producers for waste management of their products - incentivise producers to design more sustainable products and packaging, including by making them more durable, repairable, re-usable and better recyclable.

To conclude, given the current work referred to, and the ongoing process of supporting the implementation of the SUP Directive, it is not planned to propose a ban specifically for disposable coffee capsules. As part of the ongoing work there are many angles under which the Commission together with Member States, and involving economic actors concerned, is working at instruments to encourage waste prevention, including the design of durable, reusable and recyclable products and packaging, and to promote related consumer awareness and incentives

Yours sincerely,

e-signed

Mattia Pellegrini
Head of Unit