

HOTREC position paper on Packaging and Packaging Waste

Executive summary

HOTREC, the voice of the hospitality industry in Europe took note of the publication of the European Commission's [proposal on Packaging and Packaging Waste](#). HOTREC supports the EU Green Deal's objective to enhance a low-carbon future and establish a circular economy in the EU.

HOTREC is the umbrella association of Hotels, Restaurants, Bars, Cafés and similar establishments in Europe. 90% of our establishments are micro-enterprises (less than 10 employees).

While the European Commission's intent to prevent packaging waste goes in the right direction, its ambition to ban single-use packaging unilaterally and abruptly in HORECA¹ is concerning.

We believe the coexistence of the two systems – single and multiple-use packaging – should be preserved to:

- Safeguard food safety and hygiene principles in HORECA as well as the health of our personnel and consumers.
- Limit unintended negative externalities such as economic, climate and environmental harms.
- Take into consideration the heterogeneous nature of the hospitality industry, seasonality, national specificities, and consumer behaviours.
- Appreciate the nature of our sector: a service-centred industry aiming to create positive experiences and provide the best options and choices to its customers.
- Allow the use of disposable packaging in HORECA while eating in under special circumstances e.g., health crisis, disruption of supply chains or when this is the most environmental and climate-friendly alternative.
- Prioritise small HORECA operators not capable of embracing integrated re-use systems due to a lack of finances, space, resources, time and staff.
- Consider the context in which the hospitality industry is operating while dealing with the economic crisis, the aftermath of the COVID-19 pandemic and unprecedented labour shortages².
- Take into account markets in the EU where the industry has massively invested in recycling and would welcome higher recycled targets.

HOTREC believes that the current proposal should be clarified and recalibrated so that the final law is future-proof and flexible enough to mitigate ongoing and future crises. We, therefore, call on the EU Member States and the European Parliament to address the following issues further elaborated in this paper.

¹ HORECA stands for Hotels, Restaurants and Cafés.

² HOTREC 2022, [Labour shortages in the hospitality sector: forward-thinking and practices sharing](#)

1 - Definitions

1. A robust definition of **reusable packaging** should be put forward including materials which are safe and suitable to re-use for certain types of food or drink. Failing to do so could lead to harmful practices for the environment. The definition should, however, allow future innovations likely to arise in the reusable packaging sector.
2. The term **takeaway for food and beverage** isn't defined in the regulation. This could create uncertainties for businesses in HORECA. We would support a wide definition of the term.
3. A clear distinction should be made between **consumer packaging and business-to-business (B2B) packaging**. The collection of consumer packaging requires a lot more investment than B2B transit packaging, designed to make several rotations within a B2B context.

2 - Moving to a regulation

4. The European Commission's proposal foresees a **change from a directive to a regulation** leading to more harmonised rules on packaging and the effective establishment of a circular economy in the EU. While we don't oppose the move, we believe, however, that the text needs to be strengthened with provisions allowing some sort of flexibility at national level, in particular on re-use and refill targets and the ban of single-use packaging in HORECA.
5. While reuse and refill targets are set at the EU level, **penalties in case of non-compliance are yet to be set by EU member states** (*article 62*). HORECA operators need to know early on what lies in store for them.

3 - Restrictions on the use of certain types of packaging formats *Article 22 and Annex V*

6. The following restrictions (detailed below) will variously impact HORECA establishments, whether they rely a lot on take-away for beverages (for instance, Italian consumers don't take away coffees but others do a lot) and foods (some food items are more likely to be taken out than others).
7. The list of single-use items to forbid in HORECA in *Annex V* should be exhaustive. At this stage, the list of illustrative examples in the last column of *Annex V* can be misleading and lacks to provide helpful guidelines to HORECA operators on what to ban or not.
8. Whether it relates to restrictions of single-use in HORECA, re-use targets or refill obligations (expanded on below), we are concerned about hygiene implications of such a shift when it comes to the proliferation of allergens, pathogens and viruses. Reusable packaging needs to be properly cleaned and integrated into efficient re-use systems as much as refillable containers. We fear that rushing to impose re-use in HORECA would lead to contravening EU rules on hygiene and food safety (HACCP principles³).
9. We question the Commission's power to adopt numerous delegated acts potentially expanding the list of restrictions without consulting stakeholders (*articles 22 and 25*). Certain information relating to, for instance, permissible packaging and practices, needs to be made available as soon as possible to allow businesses sufficient time to transition.

A - Ban on single-use packaging for foods and beverages while eating in (*Annex V point 3*)

10. **What is foreseen:** all types of single-use packaging made of any materials, recyclable or not - from wooden cutlery to single-use plastic cups - are banned while eating in the premises of an HORECA establishment from 2030.

³ Regulation (EC) No 853/2004 on the hygiene of foodstuffs.

11. What we ask:

- **Beef up the exemption at Article 22 point 3:** *'where it's not technically feasible not to use packaging or to obtain access to infrastructure that is necessary for the functioning of a re-use system'*. This exemption might be particularly useful for businesses – beyond micro-enterprises – operating in limited space without sufficient washing and storage facilities as well as businesses having to deal with large variations of consumer flows during peak seasons.
 - **add an exemption criterion when it is beneficial for the environment and climate.**
 - **add an exemption criterion for cultural and traditional dishes** eaten from single-use packaging, e.g., sausage eaten from a paper plate or fries from a paper or cardboard bag or box.
- **Provide an exhaustive list of types of single-use packaging to forbid.**
- **Agree on a longer transition period** for businesses to adjust beyond 2030. Switching to re-use as mentioned in the impact assessment will generate significant investment costs and operational challenges for SMEs (such as developing new products, increasing the premises and investing in dishwashers etc). Those same businesses are under severe stress and pressure due to the current economic crisis, soaring energy and food costs and experiencing the aftermath of COVID-19. Appropriate support measures and schemes should be envisaged.
- **Foresee no consequences for HORECA operators** if guests order takeaway (served in single-use packaging) and then change their minds and decide to eat in.
- **Allow the use of single-use packaging in pools, swimming areas, lidos and similar areas.** Establishments operating in such areas have to consider separate guidance on aspects such as health and safety. This would include, for instance, avoiding the use of reusable materials such as glass and ceramics which may introduce a safety hazard if broken or chipped. This consequently introduces an inconsistency between this proposal and health & safety.

B - Ban on single-use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in the HORECA sector (Annex V point 4)

12. **What is foreseen:** all individual packaging, recyclable or not - from sauces to butter - are banned while eating in the premises of a HORECA establishment at entry into force of the regulation. We welcome the exemption for takeaways.

13. What we ask:

- **Exempt micro-companies at member state level** to coincide with the framework provided in *Annex V point 3* (described above) and consider exemptions when it's beneficial to the environment and climate.
- **Provide an exhaustive list of types of single-use packaging to forbid.**
- **Agree on a longer transition period** for businesses to adjust beyond 2030. This restriction will indeed require HORECA operators to significantly rethink their operations, service, staff induction and suppliers.
- **Consider the impact on food waste generation and potential subsequent exemptions.** Further to the Commission's work on food waste in the context of the EU Waste Framework Directive, we believe that this restriction could have unintended consequences on food waste generation in HORECA. Single portions of food like cheese, butter or other food items, help reduce food waste by providing the right amount to consumers and limiting the amount of time foodstuffs are displayed at room temperature with air contact, for instance, on a breakfast buffet.

C - Ban on miniature cosmetics in hotels (Annex V point 5)

14. **What is foreseen:** all miniature cosmetics, hygiene, and toiletry products - made of all materials - of less than 50ml for liquid products or less than 100g for non-liquid products are banned from hotels at entry into force.

15. What we ask:

- **Clarify the scope of cosmetics and exempt toiletry and hygiene products:** The categories of cosmetics which are relevant for the application of this regulation should be defined as per the EU regulation 1223/2009, article 2⁴. **This would mean that miniature toiletry and hygiene products such as cleansing tissues, cotton swabs/pads, tampons, toothbrushes, shaving kits, manicure sets, nail files and shower caps, would be exempted from these restrictions.** These products are wrapped, protected by packaging for hygienic reasons and often under 100g. These products should remain available in hotel rooms as well as on demand.
- **Provide an exhaustive list of types of miniature cosmetics to forbid.**
- **Allow all miniature cosmetics on demand in hotels.** As a service industry, guests' service and satisfaction are at the heart of hospitality and hotel operations. That being said, the hotel industry is playing its part and some establishments have started to limit their packaging generation including cosmetics. If providing miniature cosmetic products is prohibited in hotel rooms, it is essential to allow the offer of cosmetic products on demand including miniatures of any materials. The text of the regulation should be amended to make this possible.
- **Allow a longer transition period** for businesses to adjust beyond 2030. Switching to other containers and cosmetics will indeed generate costs and require time and effort in particular for SMEs.

4 - Reuse and refill targets *Article 26 and Annex VI part B and C*

16. **What is foreseen:** the introduction of re-use and refill targets for HORECA operators from 30% in 2030 to 80% in 2040 for beverages and 10% to 40% for takeaway food.

17. What we ask:

- **Avoid a one-size-fits-all approach.** As foreseen in *article 26 point 14*, we welcome the possible exemptions of micro companies (less than 10 employees) or operators benefiting from a sales area of a maximum of 100 m² including storage and dispatch areas from the obligation to meet the re-use and refill targets. The latter exemption reinforces our point relating to the need to consider small businesses and the burdens imposed on them including when it comes to setting up integrated re-use systems that require space, time and resources.
- **Provide clarity on what constitutes a sales area for the purposes of this exemption (*article 26 point 14*).** Since storage and dispatch areas are included, it is uncertain whether kitchen space, garbage rooms, outdoor areas, and so on, are also included.
- **Anticipate the need to switch back to single-use.** the text of the regulation must stipulate whether *article 26, point 16, part C* is sufficient to allow the European Commission to quickly reinstate the possibility for HORECA operators to use disposable packaging. In the instance where a crisis or another pandemic arises, health and hygiene aspects should lead the way in packaging decisions.
- **Strengthen the exemption when switching to re-use isn't technically feasible.** In line with *article 22 annex V*, the possibility to exempt HORECA operators from the re-use and refill targets should be strengthened in cases where switching to re-use isn't *'technically feasible given specific local conditions.'* EU-level targets might have unequal consequences on hospitality businesses which are heterogenous and versatile. For instance, a business based in a touristic location will find it more challenging to have customers favour re-use takeaway packaging than a restaurant/café met by locals. We would like to emphasise the need for continued efficient recycling of single-use items in the future in situations where re-use systems aren't appropriate due to the businesses' locations, hygiene reasons and when life cycle analysis show shows that that is the most sustainable option. For instance, businesses located in remote areas are deprived of efficient integrated re-use systems nearby.
- **Clarify reporting requirements for HORECA (*article 28*).** Reporting methodology and calculation rules imposed on HORECA operators and staff should be light and as less burdensome as possible. Difficulty to capture numbers of re-used/refilled beverages and foods when not using automatised equipment or systems should be reflected. Lighter reporting requirements should be considered for SMEs in HORECA.

⁴ Cosmetic product means any substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours.

- **Assess the environmental and climate effects** before the year 2030 with the possibility to revise targets accordingly for the year 2040.

5 - Obligations related to refill *Article 25 and Annex VI parts B and C*

18. **What is foreseen:** If HORECA operators decide to offer the possibility to offer products through refill, they will be obliged to provide information on the type of containers suitable, and hygiene standards, for refill. Operators can refuse containers from customers if they deem them not hygienic or suitable for the food or beverage sold.
19. **What we ask:**
- **Allow operators to decide whether they offer the possibility to refill or not.** HORECA operators should always be able to refuse a container provided by a client/customer. Food safety and health of customers and personnel shouldn't be compromised over other principles and remain the highest priority in line with the EU General Food Law.
 - **Don't engage the liability of HORECA operators.** We call for provisions in the regulation to be strengthened to highlight that HORECA operators should bear no liability in cases whereby customers opt to use their own reusable containers, including at refilling stations and result in adverse health effects. The consumer should always remain responsible for the hygiene and suitability of the container⁵. *Part C annex VI point (d)* brings confusion when it comes to the responsibility of our operators.
 - **Clarify whether these obligations relate to 'do it yourself refilling stations' and/or refilling by employees.**

6 - Environmental and economic impact

20. Any measures to promote re-use should be based on robust data on market dynamics. The re-use and refill targets in the HORECA sector must be justified from both an environmental and economic perspective and given greater context as to how these will be achieved in practice. Without such justification, the target figures are considered arbitrary. Such a systemic change requires the evolution of business models, supply chain transformation, proper infrastructure on their premises including waste packaging collection/separation systems, efficient cleaning facilities and storage capacity in hospitality businesses as well as local and national specificities. The feasibility of return logistics – an efficient re-use system where consumers can bring their reusable packaging back to a close loop - in hospitality establishments would need to be assessed carefully. Training employees in small establishments appropriately also requires time and effort and takes time away from core business activities.
21. All businesses especially SMEs will face **high adaptation and set-up costs** to manage re-use packaging and recyclable changes, including working hours and training time. Careful investment will be needed to modify business routines. Operators cannot run a complex waste separation system on their premises. Impact on businesses should be carefully assessed through a **stringent cost/benefit analysis and life cycle assessments**. Negative externalities should be counterbalanced by support measures, financial and regulatory incentives.
22. The future regulation should include a short **review date of all measures envisaged** to assess early impact on industrial sectors as well as on the environment and climate and recalibrate accordingly if necessary.



⁵ See article 41 in the French law AGECE: [Document_LoiAntiGaspillage_2020.pdf \(ecologie.gouv.fr\)](#)