



EUROPEAN  
VENDING & COFFEE  
SERVICE ASSOCIATION

## POSITION PAPER

ENVI Committee proposed amendments

### EXECUTIVE SUMMARY

We call for an evidence-based PPWR to deliver on circular economy objectives.

The draft report from the ENVI Committee Rapporteur, Frédérique Ries, has addressed through proposed amendments a number of areas of EVA concern, and we believe that certain proposed amendments contained in the draft report can and should be supported. A number of wider ENVI Committee amendments can also be supported and these are listed on page 3.

The lack of a clear definition of 'take-away' in the current PPWR proposal must be addressed to avoid legal and business uncertainty for vending companies. Amendment 671 addresses this issue and should be supported.

Certain proposed amendments take into account the clear health and safety risks which should be considered in cases where the necessary infrastructure for a re-use system is not technically feasible. This is the case considering the unattended nature as well as the variety of machines that represent our sector.

We note and support that amendments that ensure an exemption to certain requirements for micro-companies are made at the EU level, and not left to the discretion of member states. Something we otherwise believe could bring further uncertainty and potential single market barriers.

### THE VENDING INDUSTRY IS POWERED BY INNOVATION AND COMMITTED TO SUSTAINABLE PRACTICES

There are 4.4 million vending machines in Europe, 65% of which are hot drinks machines. Table top coffee machines allow the consumer to place his own beverage cup while the most recent generation of freestanding hot drinks machines typically have sensors which can detect and dispense into reusable cups, enabling consumers to reduce their use of single-use cups. Where single-use cups are dispensed, vending operators ensure the presence of a waste collection point.

The vending industry is a frontrunner in reducing the impact of single-use cups. "Rivending" in Italy is one of the industry-driven initiatives which aim to streamline the collection and recycling of single use cups used in the vending industry. Through this project 13,000 tonnes of CO2 is saved per year. This goes in line with the recycling technologies and processes Italy has massively invested in over the last years.

### A EUROPEAN INDUSTRY PROVIDING MANUFACTURING JOBS, DRIVEN BY SME'S

In Europe, the industry employs more than 85,000 individuals directly. 98% of the 10,000 vending operators - who maintain and stock the machines on a daily basis - are SMEs and family businesses.

300 million Europeans rely on the sector at least once a week for refreshments on-the-go, with vending machines dispensing 95 million food and beverage items every day - all in a sales area of less than 2m<sup>2</sup>. Europe-wide the industry revenue is over €16 billion.

## KEY SUPPORTED AMENDMENTS

### Amendment 671

#### Proposal for a regulation Article 3 – paragraph 1 – point 30 a (new)

<i>Text proposed by Commission</i>	<i>Amendment</i> <b>'take-away' means items purchased at staffed points of sale , including cold or hot beverages filled into a container at the point of sale and ready-prepared food, intended for immediate consumption without the need for any further preparation, and typically consumed from the receptacle;</b>
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#### *Justification*

*There is a lack of definition of 'take-away' which leads to legal uncertainty and ambiguity in the provisions outlined. In order to ensure full clarity in the legislative text, it is necessary to add a definition of the term 'take-away'.*

*If a definition for 'take-away' is not included in the PPWR, a range of unintended consequences and sectors may incorrectly be impacted.*

*While 'take-away' may appear as an obvious term in everyday language, the term is actually very vague. Especially for unattended retail environments such as vending machines where a customer purchases a drink at a machine, may consume it directly or take it to their desk in an office environment without taking it away from the premises.*

*The EU Commission proposal references the term in 4 key areas, including for specific reuse targets (Article 26) but inexplicitly the term has not been defined.*

*Amendment 671 is the only ENVI Committee amendment that addresses the issue and defines 'take-away'*

### Amendment 1734

#### Proposal for a regulation Article 22 - paragraph 3

<i>Text proposed by the Commission</i>  3. Member States may exempt economic operators from point 3 of Annex V if they comply with the definition of micro-company in accordance with rules set out in the Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation], and where it is not technically feasible not to use packaging or to obtain access to infrastructure that is necessary for the functioning of a reuse system.	<i>Amendment</i>  3. Economic operators <b>shall be exempted</b> if they <b>meet</b> the definition of <b>micro-enterprise according to the rules</b> set out in the Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation]. <b>In addition, Member States shall grant an exemption</b> where it is not technically feasible not to use packaging or to obtain access to <b>the</b> infrastructure that is necessary for the functioning of a reuse system <b>or when duly justified by concerns related to public health, food hygiene and food safety, product integrity or environmental issues.</b>
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#### *Justification*

*In order to provide legal certainty for businesses, an exemption for micro-enterprises must be made in the Regulation itself, and not left to the discretion of Member States. This amendment further recognises that an exemption may be needed on a case by case basis not only for technical issues for reuse systems - such as with older fully automatic vending machines - but also for food hygiene and safety issues.*

## LIST OF SUPPORTED ENVI AMENDMENTS

<i>ENVI Amendment</i>	<i>EVA Comments</i>
Amendment 69	Amendment recognises flexibility for DRS solutions.
Amendment 104	Amendment replaces the restrictive 'per unit' measure with 'per format packaging per plant per year.'
Amendment 105	Amendment replaces the restrictive 'per unit' measure with 'per format packaging per plant per year.'
Amendment 106	Amendment replaces the restrictive 'per unit' measure with 'per format packaging per plant per year.'
Amendment 117	Amendment recognises that separate waste collection is an essential in circularity.
Amendment 130	Amendment means micro-companies are exempt on EU level and the exemption is not left to individual member states. Also introduces exemption in cases where the infrastructure for re-use is not technically feasible, which is helpful in certain unattended vending environments.
Amendment 134	Amendment recognises that food safety problems may arise in the provision of a refill system.
Amendment 137	Recognises that specific reuse targets for take-away cannot be set due to lack of evidence and deletes Article 26 (2)
Amendment 138	Recognises that specific reuse targets for take-away cannot be set due to lack of evidence and deletes Article 26 (3)(a)
Amendment 139	Recognises that specific reuse targets for take-away cannot be set due to lack of evidence and deletes Article 26 (3)(b)
Amendment 155	Amendment recognises that hygiene, food safety as well as the environmental impact of the measures should form part of the review.
<b>Amendment 671</b>	<b>Key amendment which defines 'take-away.'</b>
Amendment 672	Defines a point of sale which is staffed.
Amendment 673	Defines a point of sale which is not staffed.
Amendment 1357	Amendment facilitates that the referred packaging types are sorted into the correct waste stream.
<b>Amendment 1734</b>	<b>Clarifies appropriate exemptions for micro-enterprises.</b>
Amendment 1805	Amendment removes reuse targets for takeaway
Amendment 1829	Recognises that specific reuse targets for take-away cannot be set due to lack of evidence and deletes Article 26 (3)
Amendment 1831	Recognises that specific reuse targets for take-away cannot be set due to lack of evidence and deletes Article 26 (3)
Amendment 1833	Recognises that specific reuse targets for take-away cannot be set due to lack of evidence and deletes Article 26 (3)
Amendment 1837	Recognises that specific reuse targets for take-away cannot be set due to lack of evidence and deletes Article 26 (3)
Amendment 2626	Deletes the restrictions on use of certain packaging formats, some of which are indispensable in the vending machine environment.
Amendment 2729	Deletes restriction on coffee creamer, milk and sugar sachets, which are required in the vending machine environment.
Amendment 2730	Deletes restriction on coffee creamer, milk and sugar sachets, which are required in the vending machine environment.