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Feedback on Ordinance 1: Ordinance on the Avoidance and Disposal of Waste (Waste Ordinance, VVEA)

Ordinance No.: General position 1
Feedback on the overall proposal: Rather supportive

Justification

The Food Packaging Forum welcomes this initiative to improve regulations on waste prevention and waste management in Switzerland. As an independent, non-profit science communication organization, our feedback on the draft text is based on publicly available scientific evidence on articles coming into contact with food, including food packaging.

While the current draft aims to create incentives both for preventing waste generation and for appropriate management once a product becomes waste, it lacks clear implementation of the waste hierarchy. According to the waste hierarchy, as recognized in other regional and national regulations, including the EU Waste Framework Directive, reuse clearly takes precedence over recycling. In the proposed Swiss ordinance, reuse is placed on the same level as recycling. The wording should therefore be adjusted to clarify that reuse is to be favored and prioritized.

Annex

Ordinance No.: Detailed position 1

Title: Art. 3 letters n–r
Acceptance: Approval with amendments

Amendments / Counterproposal

- **n. Reuse:** a process in which items and their components that are not waste, or that have lost their waste status after undergoing a recovery operation, are used again for the same or a comparable purpose for which they were originally intended;
- **o. Preparation for reuse:** a recovery operation in which waste is prepared through steps such as inspection, cleaning, and repair so that it can be reused;
- **p. Material recovery:** a recovery operation in which the material properties of waste are utilized by treating the waste so that it can be reused as secondary raw materials;
- **q. Material-energetic recovery:** a recovery operation in which waste is recovered both materially and energetically at the same time;
- **r. Energy recovery:** a recovery operation in which waste is used as an energy source in the course of its disposal;

- **s. Compostable packaging:** packaging which, under specific and controlled conditions, can be biologically degraded to CO_2, water, inorganic compounds, and biomass, in an industrial composting facility within 6 months, leaving no toxic residues;

Justification
Neither the VVEA nor the VerpV defines the terms “biodegradable” or “compostable” for materials. Given the increasing prevalence of compostable materials on the Swiss market, it is appropriate to establish a definition to prevent misleading claims and to ensure that compostable materials can actually be treated with the technologies available in Switzerland.

It is important that the definition includes at least a specific timeframe for biodegradation, standardized methods to demonstrate safety, and standardized methods to assess complete degradation into CO_2, water, inorganic compounds, and biomass.

Title: Art. 12 General obligation for recovery according to the state of the art

Acceptance: Approval with amendments

Amendments / Counter-proposal

1. Waste shall be prepared with priority for reuse, or—subordinately—recovered materially, provided this is technically possible and imposes less burden on the environment than:
   a. another form of disposal; or
   b. the manufacture of new products.
2. Preparation for reuse and material recovery under paragraph 1 must be carried out according to the state of the art.
3. If preparation for reuse or material recovery according to the state of the art is not possible, waste shall be recovered with priority materially-energetically and then purely energetically.

Justification
The waste hierarchy defined in Arts. 10 and 12 of this ordinance places “recycling” and “preparation for reuse” on the same level, while implementation of “reuse” is not expressly prioritized. This does not align with the definition of the waste hierarchy as applied by the EU and other international regulations, which give clear priority to reduction, prevention, and reuse ahead of recycling. The wording should therefore

prioritize preparation for reuse over recycling. Our proposed changes to point 1 reflect this. In addition, the reference that measures are only required when “economically viable” creates a loophole that allows companies to evade compliance on financial grounds. This undermines the ordinance’s effectiveness and can be deleted.

Title: Art. 13 paras. 1 and 4

Acceptance: Approval with amendments

Amendments / Counter-proposal

1. The cantons shall ensure that recoverable fractions of municipal waste under Art. 3 letter a numbers 1–3, such as glass, paper, cardboard, metals, biogenic waste, and textiles, are separated as far as possible and prepared with priority for reuse, or subordinately recovered materially.
2. Holders of waste from undertakings with 250 or more full-time positions must, to the greatest extent possible and reasonable, separate recoverable fractions of their waste comparable in composition to municipal waste under Art. 3 letter a numbers 1–3, and prepare them for reuse or recover them materially.

Justification
The waste hierarchy gives priority to reduction, prevention, and reuse ahead of recycling. Including this prioritization of reuse systems in the ordinance is also valuable to provide guidance and incentives for developing reuse systems. Our proposed wording addresses this.

Feedback on Ordinance 2: Ordinance on Packaging (Packaging Ordinance, VerpV)

Ordinance No.: Detailed position 2 (general statement and detailed comments)
Feedback on the overall proposal: Rather supportive

Justification (general)

The Food Packaging Forum welcomes this initiative to improve Switzerland’s current packaging regulations. As an independent, non-profit organization for science communication and research, our feedback on the draft text is based on publicly available scientific evidence on articles of daily use, including packaging for food and beverages. While the current draft represents significant progress in many areas, there remain important aspects and clear gaps that do not align with the latest scientific

findings and thus risk endangering public health. Changes to the text are therefore necessary to achieve the ordinance's goal of reducing the environmental impacts of packaging and protecting health.

Given the now globally recognized plastic pollution crisis and the realization that recycling alone cannot solve the problem, Switzerland could address the issue at source by restricting non-essential single-use plastic packaging, setting binding reduction targets, supporting reuse systems, improving material safety, and withdrawing non-recyclable packaging from the market. The current text contains neither restrictions on non-essential items nor quantitative reduction targets. It focuses mainly on improved collection and recovery which, according to the latest modeling, will not suffice to cope with the significant increase in packaging waste. Furthermore, the text lacks mechanisms to prevent regrettable substitution (e.g., replacing a problematic packaging material with another, less well-researched material) or to reduce/ban hazardous chemicals in materials—leaving public health and the environment at risk. Alignment with the new EU Packaging and Packaging Waste Regulation (PPWR) would strengthen Switzerland's position, as the PPWR introduces requirements on recyclability, design criteria, reuse targets, recycled content, bans on certain single-use plastics, and strict limits for all PFAS.

To adequately protect public health, chemical safety of packaging must be ensured. This applies in particular to chemically complex and non-inert materials such as plastics, paper and cardboard, as well as can linings. The manufacture and physical structure of these complex, non-inert materials significantly increase the risk that known and unknown hazardous chemicals are present and migrate into food, thereby endangering the health of Swiss consumers. The use of inert materials such as stainless steel, glass, and glazed ceramics greatly reduces concerns about chemical safety. Packaging—especially that made from recycled materials—should be free of hazardous or untested substances. This is essential for public health protection and for ensuring safe reuse systems and recycling loops. While the ordinance promotes recycled plastics, it does not address the serious, scientifically documented safety concerns regarding recycled plastics and paper. Overall, the text prioritizes recycling over prevention, reduction, and safety. This neglects human health in favor of apparent resource efficiency and creates a regulatory precedent that does not sufficiently protect public health. The proposal thus mainly preserves the status quo of single-use packaging rather than initiating the necessary system change toward safe reuse. On the contrary: the proposal prevents this necessary change unless the focus shifts—away from recycling and toward reuse.

Annex

Ordinance No.: Detailed position 2

Title: Art. 1 Subject matter and scope
Acceptance: Approval with amendments

Amendments / Counter-proposal
This ordinance regulates:
a. the requirements for placing packaging on the market, including restrictions on hazardous substances (where not covered by the ChemRRV ordinance);
b. the provision of reuse packaging systems;
c. the labeling of packaging;
d. the take-back of packaging and its disposal;
e. the financing of the disposal of glass packaging.

Justification
The current scope is too narrow because it does not explicitly address three key elements essential for a safe and circular packaging system:

- the need to restrict or ban known hazardous substances in packaging,
- the obligation to develop and provide reusable packaging systems, and
- the requirement for labeling to ensure transparency for consumers and operators.

Explicitly including these elements in the scope (Art. 1) is important to signal their relevance as overarching principles of the ordinance and to ensure alignment with Switzerland's goals on waste reduction, circular economy, and public health protection. The waste hierarchy prioritizes reduction, prevention, and reuse over recycling. Including reuse systems in the scope is essential to provide guidance and incentives for their development.

Sources:
Muncke, J. et al. (2025). "Health impacts of exposure to synthetic chemicals in food." *Nature Medicine.* DOI: 10.1038/s41591-025-03697-5

Muncke, J. et al. (2023). "A vision for safer food contact materials: Public health concerns as drivers for improved testing." *Environment International.* DOI: 10.1016/j.envint.2023.108161

Title: Art. 2 Definitions

Acceptance: Approval with amendments

Amendments / Counter-proposal

In this ordinance, the following mean:

a. **Packaging and packaging components:** products made of any materials for containing, protecting, handling, delivering, or presenting goods;

b. **Reuse packaging:** packaging intended for reuse;

c. **Single-use packaging:** packaging intended for single use;

d. **Beverage packaging:** packaging for liquid foods intended for drinking;

e. **Beverage cartons:** beverage packaging consisting predominantly of cardboard and to small extents of plastics, and which may partly contain aluminum;

f. **Plastic packaging:** all packaging made of one or more plastic polymers;

g. **Service packaging:** packaging intended to be filled at the point of sale, insofar as it performs a packaging function;

h. **Material recovery (closed-loop recycling):** the manufacture of new packaging, including for food and beverage applications, from used packaging;

i. **Recyclates:** materials obtained through recycling processes that replace primary raw materials;

j. **Recovery rate:** the percentage, during a calendar year, of packaging converted into recyclates relative to the total weight of packaging placed on the domestic market made of the material in question;

k. **Treatment residues:** materials from the treatment of separately collected waste that cannot be materially recovered;

l. **Consumers:** natural persons acting for purposes outside their commercial, business, or professional activities;

m. **End users:** consumers as well as all natural or legal persons resident or established in Switzerland who use a product in the course of their commercial or professional activity and do not place it on the market again in the form delivered to them;

n. **Producers/manufacturers:** natural or legal persons who professionally or commercially manufacture products and components or import them for commercial supply;

o. **Dealers/traders:** natural or legal persons who procure products and components in Switzerland and supply them commercially;

p. **State of the art:** the current level of development of processes, facilities, and operating methods which (1) have been successfully tested in comparable installations or activities domestically or abroad or successfully used in trials and can, according to the rules of technology, be transferred to other installations or activities; and (2) are economically viable for an average and financially sound operation of the sector concerned;

q. **Novel packaging materials:** packaging wholly or partly made from biological raw materials (bio-based) or designed for biodegradability or composting;

r. **Compostable packaging:** packaging that, under specific and controlled conditions, can be broken down in a composting facility into CO_2, water, inorganic substances, and biomass within 6 months without leaving toxic residues;
s. **Inert packaging:** packaging materials that, under intended conditions of use, do not chemically or physically interact with the packed goods or the environment and are thus suitable for safe and hygienic reuse and recycling, because they do not release their chemical constituents into the contents and also do not absorb chemicals (e.g., detergents, flavors, or dyes), thereby remaining in service longer.

Justification
Relevant terms are missing from the current list of definitions. While plastic packaging is defined, other packaging materials are not, and novel materials (letter q)—such as compostable, biodegradable, or bio-based packaging—are not mentioned. This creates a regulatory gap as such materials are increasingly used on the Swiss market. Including a definition for compostable packaging (letter r) is necessary to prevent greenwashing and to ensure that packaging marketed as compostable is indeed compostable under Swiss conditions. Moreover, it is unclear why PET should be excluded from regulation (letter f), since it is a plastic and containers labeled as PET can be composed of different plastic types (e.g., PA). It is also important to clarify that, for beverage cartons (letter e), the layer in direct contact with food is plastic (typically PE), which has implications for human health from a chemical safety perspective; describing the plastic share in such cartons as minimal is therefore misleading.

The ordinance also lacks a definition of “inertness” (letter s). This is a key concept to ensure that packaging materials for food and beverages are chemically safe, and therefore suitable for reuse and compatible with high-quality recycling. Defining inertness would help establish international best practices and strengthen Switzerland’s leadership in safe circular packaging systems.

The current definition in letter h “material recycling” is too broad. By unconditionally including the manufacture of “other products,” it enables downcycling (e.g., PET bottles recycled into textiles or benches). Such practices do not ensure a circular economy and do not lead to the desired reduction in resource consumption, as these products cannot be recycled back into new food or beverage packaging. To protect public health and maintain high-quality recycling loops, it is important to stipulate that material recycling should produce new packaging of equivalent quality, including for food and beverage applications—i.e., closed-loop. This increases safety for consumers and supports Switzerland’s circular economy goals.

To enable safe and hygienic reuse, available evidence on chemical migration justifies prioritizing inert materials. Such materials exhibit no or minimal chemical and physical interactions with the contents. Current regulations do not sufficiently account for inertness. While they provide for a qualitative measurement of overall migration, the

current limit (60 mg/kg food) is far too high given today's knowledge of toxicity. We propose highlighting inertness as a central requirement for the circular economy—particularly for the reuse of food packaging—and focusing R&D on new measurement methods. Inertness is a sensible and readily implementable measure to reduce human exposure to hazardous chemicals that migrate from non-inert materials (such as plastics, etc.) in contact with food.

Further information on inertness and the role of hazardous chemicals in recycled and reusable packaging:

Geueke, B., et al. (2023). "Hazardous chemicals in recycled and reusable plastic food packaging." *Plastics*. DOI: 10.1017/plc.2023.7

Title: Art. 3 General requirements for packaging

Acceptance: Approval with amendments

Amendments / Counter-proposal
Dealers and manufacturers who supply packaging filled with goods shall ensure that packaging:
a. is limited to the necessary minimum in volume and mass, while being designed for reuse and recycling, and avoids technically difficult or non-recyclable formats;
b. is designed so that collection, reuse, treatment, or recycling does not cause significant technical difficulties or excessive additional costs;
c. contains recyclates only where appropriate for the material type and where harmless for human health and the environment, and is free from problematic chemicals (including the hazard properties persistence, bioaccumulation, mobility, carcinogenicity, mutagenicity, reproductive toxicity, specific target-organ toxicity upon repeated exposure, and/or endocrine disruption);
d. contributes to preventing and reducing the total volume of packaging waste;
e. is increasingly provided in reuse formats, with stepwise reuse targets;
f. is subject to mandatory labeling indicating reusability, recycled content, recyclability, and the presence or absence of substances of concern.

Justification
While the proposed article text supports important aspects such as waste minimization and recyclability, it overlooks other important aspects and promotes the use of recycled content without considering chemical safety, thereby neglecting human health. Importantly, reference to measures being required only "to the extent economically viable" creates a loophole allowing companies to evade compliance on financial grounds. This undermines effectiveness and can be removed.

Point (a) on minimizing volume and mass must remain linked with point (b), as a focus on weight reduction could create undesirable incentives for complex, non-recyclable packaging. The two conditions together are important to avoid unintended consequences.

The originally proposed wording for point (c) is problematic because it mandates "the highest possible share" of recycled content without considering chemical safety. While published research shows that recycled content in highly inert materials such as glass and stainless steel is desirable and raises few chemical concerns, evidence shows that recycled content in low-inertness materials such as plastics, paper, and cardboard can concentrate hazardous substances, leading to unacceptable risks to human health. This is particularly concerning for food and beverage packaging intended to protect foods consumed by Swiss consumers. To protect health, packaging should not contain known hazardous chemicals or chemicals whose safety has not been assessed using appropriate methods.

To ensure health protection, additional provisions could be added to (i) ban chemicals of concern, (ii) set clear targets for reusable packaging that prioritize material inertness, and (iii) require labeling on reusability, recycled content, recyclability, and chemicals of concern. Given that recycling systems cannot handle growing waste volumes, the article should also reflect the need to reduce the total amount of packaging waste by prioritizing reuse of inert materials wherever possible.

We recommend considering these sources, which provide evidence-based lists of chemicals of concern known to occur in food contact materials on the market:

Zimmermann, L., et al. (2022). "Implementing the EU Chemicals Strategy for Sustainability: The case of Food Contact Chemicals of Concern." *Journal of Hazardous Materials*. DOI: 10.1016/j.jhazmat.2022.129167

Wiesinger, H., et al. (2025). Food Contact Chemicals Priority (FCCprio) List (0.1) [Data set]. Zenodo. DOI: 10.5281/zenodo.14881618

And these sources, which demonstrate the need to adapt regulatory requirements for safety testing of food contact materials:

Muncke et al. (2017). "Scientific challenges in the risk assessment of food contact materials." *Environmental Health Perspectives*. DOI: 10.1289/EHP644

Muncke et al. (2023). "A vision for safer food contact materials: Public health concerns as drivers for improved testing." *Environment International*. DOI: 10.1016/j.envint.2023.108161