

Single Use Plastics Directive

73 national and EU industries call on EU negotiators to safeguard the Internal Market for packaging and packaged goods in view of trilogues

November 2018

The undersigned organisations¹ represent interests in a wide range of packaging materials, including plastics, and sectors at different stages of the packaging value chain in Europe. Building on earlier joint statements, we remain committed to working with EU policymakers to ensure that the Directive on the reduction of the impact of certain plastic products on the environment (so-called Single-Use Plastics Directive) will deliver the intended environmental objectives in a harmonised and competitive EU Internal Market.

In this constructive spirit, and in view of the trilogues, **we call on EU policy-makers to ensure the safeguard of the Internal Market for packaging and packaged products and avoid fragmentation**, for the following reasons:

- The Internal Market is the cornerstone of the EU's global competitiveness and of advancing the Circular Economy objectives. Only by working together in a harmonised manner can we create sustainable market opportunities instead of market fragmentation caused by national restrictions. The undersigned organisations are therefore deeply concerned that the Council intends to introduce language under recitals 7 a (new) and 11, and article 2 paragraph 1 subparagraph 2 that would undermine the legal basis of the Packaging and Packaging Waste Directive (PPWD) 94/62/EC. The combined effect of these recent additions would be to make the Single Use Plastics (SUP) Directive a *lex specialis* compared with the Packaging and Packaging Waste Directive (PPWD) 94/62/EC and the Waste Framework Directive (WFD) 2008/98/EC. Hence the SUP Directive would prevail over the latter two in case of conflict, "in particular for certain of the definitions, restrictions on placing on the market, product requirements and marking requirements". The intention by Council to give Member States the possibility to use market restrictions to achieve consumption reduction for items that are considered packaging (e.g. food containers) is a source of concern for the co-signatories. Since the vast majority of goods circulating within the Union are packaged in some way, **divergent packaging restrictions across the EU would undermine the free movement of packaging and packaged goods.**
- We count on the European Parliament to defend its amendment 11 that recognises that SUP Directive is without prejudice to the provisions in the PPWD regarding single-use plastic packaging products
- If Member States were to take unilateral measures on packaging, their ability to import/export packaged goods across the internal borders of the EU will correspondingly be limited. **This would have a chilling effect on investment, innovation - including eco-innovation - for circularity, growth and jobs in Europe.** It would also impact consumers in terms of both price and product choice, especially if production were to stop for smaller Member States which have introduced unilateral packaging measures. Such a loss in critical mass for production would also run contrary to the ambition for a Circular Economy on an EU scale.

While for light weight plastic carrier bags (Directive 2015/720), Member States can derogate from Article 18 of the PPWD in order to restrict the placing on the market of these bags, further derogations from Article 18 of the PPWD for packaging materials could have a much more harmful effect on the Internal Market given the very wide variety of products targeted in the SUP Directive: **unlike restrictions on carrier bags, product packaging restrictions impact the free movement of**

¹ Co-signatories support the principles of this joint statement without prejudice to divergent national interpretations of EU law. This joint statement captures the main points our associations share and does not preclude the undersigned organisations from issuing individual positions that are more focused on their specific sectors.

packaged goods. Any further regulation of packaging materials that are not harmonised and go beyond the Commission proposal should be addressed in a harmonised way in the context of the forthcoming review of the PPWD, which sets EU-wide standards, including the Essential Requirements that all packaging must meet.

We urge the EU institutions to:

- Ensure that the PPWD (Directive 94/62/EC) remains the *lex specialis* for all packaging items as defined by Article 3(1) of Directive 94/62/EC;
- Ensure that measures adopted under Article 4 (SUP Directive) are without prejudice to Article 18 of Directive 94/62/EC and that Member States shall pre-notify the Commission of their measures in accordance with Directive 2015/1535;
- Remove the reference in Recital 11 to market restrictions in relation to the measures on consumption reduction related to SUP Article 4.

The undersigned organisations are as follows (in alphabetical order):



ACE - The Alliance for Beverage Cartons and the Environment



AGVU - Arbeitsgemeinschaft Verpackung und Umwelt e.V., Germany



AIM - European Brands Association



A.I.S.E. - The International Association for Soaps, Detergents and Maintenance Products



Alliance Carton Nature, France



Aluminium Denmark, Denmark



AmCham EU - American Chamber of Commerce to the European Union



ANIA - Association Nationale des Industries Alimentaires, France



APEAL - The Association of European Producers of Steel for Packaging



ARAM - Association for Packaging and the Environment, Romania



Bryggeriforeningen- The Danish Brewers' Association, Denmark



BSDA- Bulgarian Soft Drink Association, Bulgaria



BVE - Bundesvereinigung der Deutschen Ernährungsindustrie e.V, Germany



CEPI - Confederation of European Paper Industries



Cicloplast-Spanish association of plastic transformers and raw materials producer for promoting plastics packaging recycling, Spain

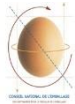


České průmyslové sdružení pro obaly a životní prostředí

CICPEN - Industrial Coalition on Packaging and the Environment, Czech Republic



Citpa- The International Confederation of Paper and Board Converters in Europe



CNE - Conseil National de l'Emballage, France



COFEPAC- Comité Français de l'Emballage Papier Carton, France



Coop de France Métiers du Lait, France



COPACEL, France



Cosmetics Europe - The Personal Care Association



CPME aisbl (Committee PET Manufacturers Europe)



EKO-PAK- Packaging Industry Union of Employers, Poland



ELIPSO - Les entreprises de l'emballage plastique et souple, France



EFBW - European Federation of Bottled Waters



Emballasjeforeningen- The Norwegian Packaging Association, Norway



EPRO - European Association of Plastics Recycling & Recovery Organisations



European Retail Round Table



EuPC - European Plastics Converters



EuPIA- European Printing Ink Association



EUROCOMMERCE - The voice of retail and wholesale in Europe



European Aluminium



European Aluminium Foil Association e.V



European Bioplastics



European Dairy Association



European Vending & Coffee Service Association



EUROPEN - The European Organization for Packaging and the Environment



EXPRA - Extended Producer Responsibility Alliance



FCD- Fédération du Commerce et de la Distribution, France



FCIO- Association of the Austrian Chemical Industry, Austria



FDF - Food and Drink Federation, UK



FEA - European Aerosol Federation



FEBEA - Fédération des Entreprises de la Beauté, France



Federalimentare – Federazione Italiana dell'Industria Alimentare, Italy



FEFCO - European Corrugated Packaging Association



FEVIA - The Belgian Food and Drink Industry, Belgium



Flexible Packaging Europe



FNIL- Fédération Nationale des Industries Laitières, France



FNLI - Federatie Nederlandse Levensmiddelen Industrie, The Netherlands



FoodDrinkEurope - The organisation of Europe's food & drink industry



Foodservice Packaging Association, UK



IK Industrievereinigung Kunststoffverpackungen e.V, Germany



ILEC - Institut de liaisons et d'études des industries de consommation, France



INCPEN - The Industry Council For Research On Packaging And The Environment, UK



Independent Retail Europe



INTERGRAF - European Federation for Print and Digital Communication



Miljöpack – The Trade & Industry Group, Sweden



Metal Packaging Europe



Pack2Go Europe - Europe's Convenience Food Packaging Association



The Packaging Federation, UK



Pakkaus - Packaging Association, Finland



PCEP-Polyolefin Circular Economy Platform



Petcore Europe



PlasticsEurope - Association of Plastics Manufacturers



PFPŻ ZP - Polish Federation of Food Industry, Poland



Potravinářská komora České republiky- Federation of the Food and Drink Industries of the Czech Republic, Czech Republic



SEPEN- Association for Packaging and Environmental Protection, Serbia



Serving Europe - Branded Food and Beverage Service Chains Association



SLICPEN - Industrial Coalition on Packaging and the Environment, Slovakia



Sociedade Ponto Verde, S.A. - Packaging Recovery Organisation, Portugal



Styrenics Circular Solutions (SCS)



UNESDA - Union of European Soft Drinks Associations