

From: [DRZEWOSKA Agnieszka \(CAB-BIENKOWSKA\)](#)
To: [CAB BIENKOWSKA ARCHIVES](#); [\(CAB-BIENKOWSKA\)](#)
Cc: [BERMIG Carsten \(CAB-BIENKOWSKA\)](#); [\(CAB-BIENKOWSKA\)](#)
Subject: FW: Bisphenol A - PlasticsEurope request for priority ruling on constitutionality in France
Date: mercredi 17 juin 2015 17:13:56
Attachments: [ATT00001.jpg](#)
[ATT00002.jpg](#)

For registration, please, and transmission to DG for information. Thank you.

From: [mailto: \(redacted\)](#)
Sent: Wednesday, June 17, 2015 4:58 PM
To: BERMIG Carsten (CAB-BIENKOWSKA); DRZEWOSKA Agnieszka (CAB-BIENKOWSKA);
(redacted) (GROW)
Subject: Bisphenol A - PlasticsEurope request for priority ruling on constitutionality in France

Dear Mrs Drzewoska, Mr Bermig, Mr Salazar,

Following the meeting we had on 17th April 2015 on the French suspension of the use of Bisphenol A (BPA)-based materials for packaging products intended to come into direct contact that came into force in January 2015, we would like to bring to your attention a recent important development in that context:

On February 9, 2015, PlasticsEurope filed a case at the French Conseil d'État requesting the annulment of the clarification note of the French authority DGCCRF ("Circulaire" dated 8 December 2014, on the law for implementation as of 1 January 2015), related to the law of December 2012 banning the use of BPA in food contact packaging. PlasticsEurope questions the compliance of the law with the French Constitution regarding the constitutional imperative of free trade (entrepreneurial freedom of action), its proportionality, and the coherence of the law. A so-called request for priority ruling on constitutionality (QPC) is part of this process.

Today, the French Conseil d'État accepted PlasticsEurope request for priority ruling on constitutionality of the French law suspending the use of Bisphenol A (BPA) in food packaging and referred it to the French Constitutional Court (<http://www.conseil-etat.fr/Actualites/Communiqués/QPC-bisphenol-A>); latter will then have 3 months to decide from the day of receipt, i.e. some time mid of September. If the Constitutional Court follows the request of PlasticsEurope and abandons article 1 of the Law of 24 December 2012, the consequence could be a short-term lifting of the suspension.

As you are well aware, the European Food Safety Authority (EFSA) in January 2015 unequivocally concluded that there is no consumer health risk from BPA in food contact for all age groups, including unborn children, infants and adolescents. The dietary exposure to BPA is considerably lower than the safe level defined by EFSA.

Please don't hesitate to contact us if you have any further questions.

[\(redacted\)](#)

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PlasticsEurope is one of the leading European trade associations with centres in Brussels, Frankfurt, London, Madrid, Milan and Paris. We are networking with European and national plastics associations and have more than 100 member companies, producing over 90% of all polymers across the EU28 member states plus Norway, Switzerland and Turkey. The European plastics industry makes a significant contribution to the welfare in Europe by enabling innovation, creating quality of life to citizens and facilitating resource efficiency and climate protection. More than 1.45 million people are working in more than 60,000 companies (mainly small and medium sized companies in the converting sector) to create a turnover around 320 bn EUR per year. The plastics industry includes polymer producers - represented by PlasticsEurope, converters - represented by EuPC - and machine manufacturers - represented by EUROMAP. For further info see the web links: www.plasticseurope.org, www.plasticsconverters.eu, www.euromap.org

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