



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

The Director-General

Brussels
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Dear Mr Bonomi,

Dear Mr Russwurm,

Thank you for your joint letter of 29 October 2020 addressed to the President of the European Commission, Ms. Ursula von der Leyen, with regard to the scope of the draft Commission guidelines on single-use plastic products in accordance with Directive (EU) 2019/904 of 5 June 2019 on the reduction of the impact of certain plastic products on the environment¹. President von der Leyen has asked me to respond on her behalf.

The Commission acknowledges and appreciates the support of the industry across the European Union in pursuit of the goals set out in the European Green Deal. The objectives of the Directive are to prevent and reduce the impact of certain plastic products on the environment and on human health, to promote the transition to a circular economy with innovative and sustainable business models, products and materials, and thereby also to contribute to the efficient functioning of the internal market. It is of vital importance that the guidelines on single-use plastic products are fully consistent with its objectives and provisions of the Directive.

With the Guidelines on single-use plastic products, as called for in Article 12 of Directive (EU) 2019/904 ('the SUP Directive'), the Commission aims to support the correct transposition and implementation of the SUP Directive across EU Member States, being fully consistent and aligned with the objectives and the wording of the Directive. The Commission started preparatory work, including the launching of a supporting study to develop the guidelines, already in December 2018. As required by Article 12 of the Directive, the Commission has been developing them in consultation with the Member

¹ OJL 155, 12.6.2019, p. 1-19. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0904&qid=1613149001531>

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States and has sought input from stakeholders. Due to the complexity of the issues, those consultations have taken additional time and the guidelines are currently being finalised.

The Commission is fully aware of the critical role played by certain single-use plastic products for health-related applications during the current pandemic. Please note that the Directive aims to address the unsustainable use of certain single plastic products, and prevent and reduce their impact on the environment. Healthcare applications are not covered. Furthermore, Article 11 of the Directive states that: *'The measures that Member States take to transpose and implement...this Directive shall comply with Union food law to ensure that food hygiene and food safety are not compromised. Member States shall encourage the use of sustainable alternatives to single-use plastic where possible for materials intended to come into contact with food.'* Therefore, single-use alternatives remain an option also under the SUP Directive, which is particularly relevant in cases where the safety and hygiene of multiple use products cannot be guaranteed.

In your letter, you also address the implications for the bioplastics industry. Regardless of the final decision taken on the Guidelines, please note that Recital 11 of the SUP Directive states: *'[t]he adapted definition of plastics should therefore cover [...] bio-based and biodegradable plastic regardless of whether they are derived from biomass or are intended to biodegrade over time'*. The revision of the SUP Directive envisaged for 2027 will look at the scientific and technical progress on biodegradability of single-use plastic products in the marine environment. It would need to be ensured that single-use plastic products undergo full decomposition into carbon dioxide, biomass and water within a timescale short enough not to be harmful to marine life and not to lead to an accumulation of plastics in the environment. In this context, please note that the Scientific Advice Mechanism (SAM) recently published some advice to the Commission on the question of biodegradable plastics².

I trust this letter answers your queries, and look forward to continued good cooperation on advancing the transition to a resource-efficient and more circular economy.

Yours sincerely,

e-signed

Florika FINK- HOOIJER

² https://ec.europa.eu/info/news/new-scientific-opinion-biodegradability-plastics-open-environment-2020-dec-14_en