

## *Consultation on the draft guidance on identifying and describing the products covered by the SUP Directive (WP1)*

### **Response of the contract catering industry**

*17 April 2020*

FoodServiceEurope very much welcomes the opportunity to provide written comments on the draft guidance on the definition of the single-use plastic items covered by Directive 2019/904 (SUP Directive). The draft document presented at the workshop that took place on 3 April 2020 offers a lot more clarity and precision around the key definitions used in the Single-use Plastic Directive and of its scope, and this is very much supported.

FoodServiceEurope notably welcomes the emphasis that is put from the outset on the key objective of the Directive, which is to reduce marine litter of single-use plastic. We also welcome the clarity the guidelines provide to confirm that multiple-use and multi-sized food containers and packets and wrappers are not in the scope of the Directive, as they are unlikely to be littered. From the draft guidelines, it is clear to us that larger plastic containers that are used in contract catering settings by central kitchens or for food donation will not be within the scope of the Directive, as they do not meet all the product specific criteria for a single-use food container and are not likely to end up as marine litter.

However, we believe there are some aspects of the guidelines that could be further improved and where greater clarity could be provided as further outlined below:

#### **General terms and definitions**

- It should be made explicitly clear in the general terms and definitions section that characteristics such as volume and size should be taken into consideration when differentiating from a single-use plastic and a multiple-use plastic. While this is clear in the product specific sections, more emphasis should also be placed in this section so there is no ambiguity between the criteria included in the general definitions section and the product specific sections.
- An additional element that could help distinguish single-use from multiple-use plastic could be the thickness of the plastic used. The guidance already includes useful elements related to the product design, but this specific element is not yet mentioned and would be helpful.

#### **Food containers**

- In the list of illustrative examples of food containers which are in and out of scope of the Directive, FoodServiceEurope believes **two additional examples should be included as out of scope food containers that would help bring clarity to Member States regarding activities in the contract catering sector:**
  - Larger plastic containers that are used in contract catering settings (see pictures in annex) should be used as an example of a multiple-use food containers that are not

within the scope of the Directive (due to the multiple portions it contains and the fact it is not meant to be consumed out of the receptacle).

- Individual packed single-portion meals which are notably delivered by contract catering companies to elderly people in the community and require further preparation, by being heated up in a microwave before consumption, could also be included as an example of a single-use plastic food container which does not meet the criteria of the Directive, as it requires further preparation. The illustrative examples currently include a single-portion frozen meal, but the inclusion of the above example would provide a broader perspective and bring additional clarity for our sector.
- FoodServiceEurope welcomes the fact that the guidelines recognise that multiple-use food containers used indoors are less likely to be littered and that the tendency for products with multiple-size servings is also low. The guidelines note that a reason for this is that the food container is likely to be “stored and used multiple-times” and therefore, will not end up as litter.

FoodServiceEurope would suggest as an additional reasoning that food containers used indoors are also less likely to be littered because they are being used within **a closed-loop arrangement, where there are systems in place to collect waste, such as a food containers, diminishing their likelihood to become litter. This should be acknowledged in the guidance document**, as it is an important element to be considered in the implementation of the Directive.

### **Cups for beverages**

- In the section that provides illustrative examples of cups for beverages to ascertain whether they are within scope of the Directive or not, further clarification is required as to what is meant by “plastic cups sold as part of refill schemes”, which are stated as being out of scope. Does this definition include single-use plastic cups that are used in refill schemes in canteens or restaurants whereby the customer pays a set price and can refill their drink as many times as they want? This would be our interpretation, but the scope of this example is ambiguous, and more clarity should be provided.