

[REDACTED]

From: [REDACTED]
Sent: vendredi 17 avril 2020 17:08
To: [REDACTED]
Cc: [REDACTED]
Subject: Follow up on webinar of April 3, 2020
Attachments: 1-Pager Post Commission Mtg Final 4 17 20.pdf

Dear [REDACTED]

I am writing to request a teleconference call on behalf of Eastman, a global advanced materials and specialty additives company, on the issue of the Single Use Plastics (SUP) Directive's implementation in the European Union.

In its current form the Directive contains loopholes that will severely undermine the intent of the Directive if not properly addressed, notably regarding the definitions of "plastic", "chemically modified" and "natural polymers". The Commission is currently finalizing a guidance document aimed at clarifying several areas of ambiguity, including these definitions.

The fundamental issue stems from the definition of "plastic" as defined in Article 3(1) of the SUP Directive: "'plastic' means a material consisting of a polymer as defined in point 5 of Article 3 of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified".

This definition requires clarification of the terms "chemically modified" and "natural polymer". It is our belief that all man-made cellulosic fibres, such as cellulose acetate, lyocell and viscose, should be considered as "chemically modified" and thus be defined as "plastic".

REACH Article 3(40) defines a 'not chemically modified substance' as: a substance whose chemical structure remains unchanged, even if it has undergone a chemical process or treatment, or a physical mineralogical transformation, for instance to remove impurities.

A restrictive approach is therefore implied by the language of the Directive, with the terms 'unmodified' and 'not chemically modified' (recital 11), leaving no room for degrees of chemical modification – a natural polymer is either chemically modified or it is not.

Given the language of the Directive and of Article 3(40) of REACH, it seems clear that materials such as viscose and lyocell do not pass the test of being 'not chemically modified' as both undergo clear, intentional and measurable chemical modifications to their structure during their production.

Furthermore, we would also note that recital 11 of the Directive makes clear that: "Plastics manufactured with modified natural polymers" are in scope and that "...plastics should cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass or are intended to biodegrade over time".

To conclude, it is Eastman's belief that the evidence outlined above explains fully the reasons why the substances cellulose acetate, viscose and lyocell should all be considered as "plastics" and fall within scope of the SUP Directive in the Commission's guidance document.

This issue is due to be discussed at a meeting of the Waste Expert Group, involving Member State representatives, on 24 April. Therefore, given the pressing nature of this matter, I hope you are available to discuss this issue in further detail at a time convenient to you.

Kind regards,

From: [REDACTED]

Sent: Monday, April 6, 2020 8:48 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: [I] *Deadline Extension* written input on guidance on identifying and describing the products covered by the SUP Directive (WP1)

Dear Madam, Dear Sir,

thank you very much for your participation and constructive discussions during the webinar on 3 April 2020.

As agreed, written input can be **sent until 17 April** to [REDACTED]
(with COM in copy: [REDACTED]) You will not receive a specific response on the written input from the Commission or the project team, however your input will be taken into account in finalising the drafting of the guideline.

Kind regards

From: [REDACTED]

Sent: Mittwoch, 18. März 2020 14:20

To: [REDACTED]

Subject: *NEW DATE* Webinar on guidance on identifying and describing the products covered by the SUP Directive (WP1)

Dear Madam, Dear Sir,

We would like to inform you of the following: Against the development in the context of the current Corona virus crisis, a physical meeting would neither be feasible nor reasonable. Thus, the workshop on guidance on identifying and describing the products covered by the SUP Directive (WP1) in the context of the "Study to support the development of implementing acts and guidance under the Directive on the reduction of the impact of certain plastic products on the environment" planned for 23 March 2020 will be cancelled.

Instead, we will organise a webinar.

- **Date and time: 03 April 2020; 9h00 – 13h00**

To confirm your participation, [please register here](#) by **24 March 2020**. For technical reasons, we have to limit the webinar to 100 participants. Please only register one representative per organisation. You will receive final confirmation of your participation **by 26 March 2020**. Participation is free of charge. The official language of the webinar will be English.

Please note: it is possible that technical connectivity problems may occur due to server overload. We apologise upfront for any technical problems. Further, although a webinar will be less interactive than a physical workshop, we would still like to give you an update on our ongoing work.

Following the webinar, you will also be given the opportunity to provide relevant input in writing. Please send your input to [REDACTED] with COM in copy: [REDACTED] by **13 April**. You will not receive a specific response on the written input from the Commission or the project team, however your input will be taken into account in finalising the drafting of the guideline.

Attached to this email, you will find (1) a letter of support from the Commission; and (2) the preliminary draft webinar agenda. Please note that the agenda is subject to change based on the final number of registered participants. The draft guidelines developed by the project team will be sent to confirmed participants by 30 March.

We are looking forward to a constructive webinar.

Kind regards
[REDACTED]

From: [REDACTED]
Sent: Montag, 9. März 2020 12:22
To: [REDACTED]
Cc: [REDACTED]
Subject: *CANCELLED* Follow-up workshop on guidance on identifying and describing the products covered by the SUP Directive (WP1)

Dear Madam, Dear Sir,

due to the rapid change of the situation regarding the Corona virus, the European Commission decided to cancel the follow-up workshop on guidance on identifying and describing the products covered by the SUP Directive (WP1) planned for 23 March in Brussels. The Commission is currently looking for an alternative date.

We are sorry for any inconveniences and will inform you as soon as new information is available.

Thanks for your understanding

Best regards
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

From: [REDACTED]

Sent: Mittwoch, 26. Februar 2020 11:13

To: [REDACTED] [REDACTED]

Subject: Invitation to the follow-up workshop on guidance on identifying and describing the products covered by the SUP Directive (WP1)

Dear Madam, Dear Sir,

Directive (EU) 2019/904 on the reduction of the impact of certain plastics products on the environment (hereafter the SUP Directive) aims to prevent and reduce the impact of certain plastic products on the environment and on human health, while promoting the transition to a circular economy and contributing to the efficient functioning of the internal market. The main objective of the SUP Directive is to protect the environment and reduce marine litter by targeting the single-use plastic (SUP) products most commonly found in plastic marine litter on European beaches and in oceans. The SUP Directive calls for different measures, which correspond to the characteristics of the SUP products covered within its scope. Requirements range from market restrictions (bans) for SUP products where alternatives are easily available to measures on consumption reduction and marking, product design and extended producer responsibility.

As laid out in the SUP Directive, the Commission is tasked with the development of a number of implementing acts and guidelines. In this context, the Commission's Directorate-General for the Environment (DG ENV) have commissioned a team led by Ramboll Environment & Health GmbH and supported by Deloitte, InExtenso Innovation Croissance, Prognos, IEEP and Wood to carry out the "*Study to support the development of implementing acts and guidance under the Directive on the reduction of the impact of certain plastic products on the environment*".

Pursuant to Article 12 of the SUP Directive, the Commission shall adopt guidelines on what is to be considered a single-use plastic product; corresponding to work package 1 of the current study. The involvement of stakeholders is an essential element in regard to developing guidelines on the terms and definitions laid out by the SUP Directive to ensure harmonised interpretation and implementation. To this end, targeted stakeholder consultation, which included an on-line questionnaire launched in September 2019, a dedicated workshop held on 18 October 2019 and stakeholder interviews have been carried out to gather relevant feedback on key elements to be considered in the guidelines.

As such, the focus of this second follow-up workshop is a discussion with stakeholders on the **draft guidelines on the definitions and criteria for the relevant product categories** laid out by the SUP Directive. We therefore kindly invite you to participate in the follow-up **stakeholder workshop on guidance on identifying and describing the products covered by the SUP Directive**:

- **Location:** Conference Centre A. Borschette, rue Froissart - B-1040 Brussels
- **Date and time:** 23 March 2020; 09h00 – 16h30

To confirm your participation, [please register here](#) by **5 March 2020**. Please note that a limited number of spots are available due to the venue's size restrictions. You will receive final confirmation of your participation by **9 March 2020**. Participation is free of charge, however travel expenses will not be reimbursed. The official language of the workshop will be English.

Attached to this email, you will find (1) a letter of support from the Commission; and (2) the preliminary draft workshop agenda. Please note that the agenda is subject to change based on the final number of registered participants. Additional background material will be sent to confirmed participants prior to the workshop.

We are looking forward to meeting you at the workshop!

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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Ramboll

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<https://de.ramboll.com>

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