

From: [WATSON John \(SG\)](#)
To: [SG DIR E](#)
Subject: FW: Guidance for Single Use Plastics Directive (EU 2019/904) - Definition of plastic
Date: mercredi 15 avril 2020 14:18:38
Attachments: [image003.jpg](#)
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[image001.gif](#)

Ares and attib E2 for reply
Thanks
John

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Director



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From: [REDACTED]@huhtamaki.com>
Sent: Wednesday, April 15, 2020 1:12 PM
To: WATSON John (SG) <xxxx.xxxxxx@xx.xxxxxx.xx>
Cc: [REDACTED]@huhtamaki.com>
Subject: Guidance for Single Use Plastics Directive (EU 2019/904) - Definition of plastic

Mr. John Watson, Director Single Market and Connectivity

Dear Mr. Watson,

As a leading paper and board food packaging producer, Huhtamaki is committed to playing its full part in achieving a circular and low carbon economy, continuing to play an essential role in ensuring hygiene, food safety, efficient logistics and food waste prevention.

Going forward, we at Huhtamaki are already focusing on developing the next generation of packaging and co-creating innovative solutions for packaging circularity and plastic substitution for our customers and partners.

We are writing to express our deep concern at the draft guidance relating to the definition of plastic produced by consultants for consideration by DG Environment and thereafter by the European Commission. While the guidance is not binding on Member States, we believe you should be aware of the significant consumer, environmental, social and economic issues that the guidance would create.

The Single Use Plastics Directive (SUPD) defines 'plastic' as "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."

To our understanding, the word 'main' is a comparator and therefore is an integral part of the definition of 'structural component.' Logically, if a component of an item of packaging is 'main' then other components of the packaging materials must be 'minor.' All material components cannot therefore be 'main' even if all materials are necessary for the end product's functionality. As almost all packaging comprises several materials, the difference in the priority order of the components should not be ignored. This is why, in our view, thresholds are necessary.

Despite this evidence, along with other stakeholders, we have now been informed that the draft guidance prepared by the European Commission's consultants not only takes the view that polymers, which are necessary for an item to function, are structural but also that there should be no threshold or de minimis established. In other words, the consultants have taken the view that 'main structural component' means ***all polymeric content which provides functionality is to be considered as 'plastic'.***

Such a decision would have major ramifications for the industry which is already engaged in plastic substitution:

- All types of paper also contain binders and retention agents, which are usually fossil polymers or modified natural polymers. ***The guidance as drafted would therefore mean that all paper products would effectively be defined as plastic, creating major confusion.***
- The re-designation of paper products as plastic will indeed result in consumer confusion when choosing or using the products, and how such products should be recycled.
- Under the current text of the draft guidance there would no longer be any difference between paper-based items and plastic ones. This would lead to major non-substitution effects contrary to the objectives of the SUPD. It would have a negative and cooling effect on innovation for sustainability in Europe and make a lower-carbon economy harder to deliver. It would lead to the replacement of renewable wood fiber mostly sourced from European sustainably managed forests with thick, potentially non-recyclable, plastic mostly coming from outside the EU.
- As an example, Huhtamaki is making significant investments to develop fiber-based alternatives to plastic items. We have already invested in paper straw production and we are deploying resources to innovate fiber lids for beverage cups. The draft guidance puts those and future plastic substitution investments in Europe at risk.

The Directive is also clear that "the measures that Member States take to transpose and implement Articles 4 to 9 of this Directive shall comply with European Union food law to

ensure that food hygiene and food safety are not compromised.” We are extremely concerned that the guidance, as drafted, would reduce the strategic capacity and capability of the European food packaging industry and its ability to react at in crisis, such as we are going through currently.

In summary, we therefore see the draft guidance creating substantial consumer, environmental, social and economic issues, with significant negative unintended consequences.

To avoid these unintended consequences, ***it is our recommendation that Member States use a threshold approach to set an allowable maximum polymeric content for single use items.*** Thresholds are an appropriate, immediate, efficient, inclusive and proportionate tool to use innovation to achieve the objectives of the Directive and the Green Deal. The French government is already successfully adopting this policy for beverage cups.

Thank you in advance for your consideration of this critical issue. Please do not hesitate to contact me should you require any additional information or clarification.

Yours sincerely,

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