

Paris, the 14 April 2020

**Subject :** Guidance on identifying and describing the products covered by the Single –use Plastics(Sup) Directive.

Dear Madam,

COFEPAC (French Committee for Paper and Board Packaging) represents both producers of packaging materials and packaging manufacturers established in France. Due to the circumstances, COFEPAC was unable to participate in the webinar "on guidance on identifying and describing the products covered by the Single-Use Plastics (SUP) Directive » and present its comments. We have however been aware of its content and in accordance with the invitation made during it, we send you our remarks and comments on the elements presented. The objective of the guide lines, provided for in article 12 of the Directive, is widely described in recital 12, which specifies the conditions of use which characterize Food Containers falling under the Single Use category within the meaning of the Directive and specifies that the Cups for Beverage constitute a different category by describing the content of the group "Beverage". It illustrates the content of the "Beverage containers" category which it distinguishes from Cups for Beverage. The Guidelines supplement the criteria set out in the different parts of annex.

*It would be useful to refer to Recital 12 in the future Guidelines insofar as this recital recalls the intentions of the legislator translated into the SUP Directive, the primary purpose of which is to reduce marine pollution by plastic products.*

Article 3 (1) of the Directive defines the term "plastic" as a polymeric material which can serve as the main structural component of a finished product. We noted that the definition of polymer was in debate with Echa. However, we would like to clarify that the definition adopted should not lead to considering all polymeric material as being plastic. Indeed, if some of our transformed packaging associates plastics with paper-cardboard material (PE, PVDC, PP, etc.), they can also be the product of coatings or prints with "polymeric" solutions excluded from the perimeter of the Directive such as inks, adhesives and paints (Recital 11) knowing that many

solutions, including "varnishes" providing properties including barriers, used in our industries are of chemical composition comparable to water-based paints.

*It is therefore particularly important that the definition of "plastic" is clarified and does not introduce confusion into the industrial world.*

*While the text of the Directive speaks in its definition of main structural component of the plastic product, the presentation of the project ignores both the "main" and the "structural" criteria. It follows that any product with a minimal amount of plastic would become a plastic product within the meaning of this Directive: a cardboard packaging containing a little plastic with even secondary functionality would become plastic packaging in this Directive. This change of name which goes against common sense is in contradiction with all the practices and principles in place which want, as recalled by the Joint Research Center in the debate on the definition of nanomaterials considering the proposal to qualify nanomaterial a material containing less 50% nanoparticles inappropriate because the name of a material is based on the main component and a material is not defined by its minority component. It is on this basis that the definitions of many texts are based, including the Packaging and Packaging Waste Directive, the Waste Directive, etc.*

The plastic material is also defined in the EU regulation 1935/2004(Annex 1) and the PIM regulation 10/2011(Articles 2 et 3), which indicate that the plastic material is that which serves as a structural component in a packaging. *Finally, functionality and structural should not be confused, a material can provide functionality without being a structural material, ie a material which gives its structure to the object (shape, volume, etc.), like paint. of an apartment is not a structural material unlike the wall.*

Thus, the presence of plastic in a cardboard paper-based packaging is generally not structural and its functionality is not always essential to its very existence. The plastic material only plays a structural role in the case of multi-materials when its presence is significant and participates in the cohesion of the structure, of the body of the packaging.

It should be noted, moreover, that the Directive does not retain in its field metallic packaging comprising varnish or an internal layer on contact, even though this polymeric layer provides an essential function to its packaging.

*The definitions proposed in their consequences are in contradiction with the objectives pursued by the Directive and by the EU plastic strategy.*

In fact, they are likely to prohibit the reduction in the production and consumption of plastic in packaging by blocking the substitution of plastic packaging from exhaustible fossil resources with packaging based on cardboard paper from renewable resources. low CO2 impact, the material of which is widely reused by recycling, still using today a small amount of plastic whose end of life is under control eliminating any threat to the marine environment. By reducing the use of plastic, paper and cardboard packaging can contribute to the objectives pursued by the European Union, knowing in addition that their development tends to replace

other technical solutions (microfibrils, etc.) to ensure watertightness when necessary

*The definitions used will compromise the achievement of the objective of article 10 of the Directive by the confusion that they will cause in the understanding of consumers and this all the more so than beyond these specific packaging that are "Single use plastic packaging", there are other packaging that is already part of EPR and circular economy systems. The harmonization of definitions and messages has appeared for years as a factor to reinforce the efficiency of the systems set up to recycle the packaging of consumer products.*

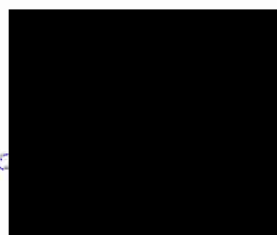
*Regarding the criteria defining the reusability of packaging, Article 3 specifies that the packaging must have been conceived, designed and placed on the market for re-use. The proposals presented in the presentation text of the future guide only imperfectly fulfill the chosen concept because it is not enough that a packaging has been conceived, designed to be reused that it means that it is. Just as, it is not enough today that a packaging is technically recyclable in the laboratory to be recognized as recyclable. Also a packaging which has characteristics allowing to reuse is not necessarily reusable because it supposes the existence of a real reuse channel existing and efficient comprising all stages and devices allowing this effective reuse. You should also be sure that this reuse is effective both in terms of environmental impact and economically. The established system guaranteeing reuse must guarantee a sufficient number of rotations over a given period of time. This efficiency must be greater than that which would be obtained in terms of reuse of the material by organized recycling. Of course, these reusable packaging must be recyclable at the end of use. This criterion must be integrated as a necessary condition, the loss of material at the end of its life would be an important factor in reducing the effectiveness of the material obtained from a levy on natural resources.*

*Likewise, refillable packaging must not only be provided for this purpose but there must remain a distribution system ensuring refilling with a minimum level of efficiency.*

*It is important to complete the réusable critères by efficiency critères: Real existing channel linked to the considered product and rotations minimum ratio, ...*

Remaining at your disposal for further information and thank you for your consideration of these comments.

Best regards.





Crée en 1992, **COFEPAC** (Comité Français de l'Emballage Papier Carton) réunit toutes les organisations de l'industrie de l'emballage « papier-carton » :

- COPACEL (producteurs de pâtes, papiers et cartons)
- Carton Ondulé de France (cartons ondulés)
- Fédération Française du Cartonnage et Articles de Papeterie (cartonnages, sacs)
- ACN « Alliance Carton Nature (briques alimentaires) »
- REVIPAC (en qualité de membre associé)
- Club MCAS (en qualité de membre associé)

Aujourd'hui, COFEPAC représente près de 600 entreprises pour un effectif de 31 000 salariés et un chiffre d'affaires consolidé (2010) de 6,2 milliards d'euros.