



**From:** [REDACTED]@europen-packaging.eu>  
**Sent:** mardi 22 septembre 2020 17:39  
**To:** SADAUSKAS Kestutis (ENV)  
**Cc:** [REDACTED] (ENV); [REDACTED] (ENV); [REDACTED] (ENV)  
**Subject:** EUROPEN contributions to TRIS consultations on the French Triman and SUP draft implementing Decrees and on the integrity of the Single Market  
**Attachments:** EUROPEN and FoodDrinkEurope\_Legal Memorandum\_French Draft Decree SUP.pdf; EUROPEN and FDE\_Legal Memorandum VBB\_French Law on Circular Economy re Triman Logo and Sorting Instructions.pdf; 2020-09-17 Joint Statement on the Integrity of the Single Market.pdf; 2020-09-17 Letter President von der Leyen\_Integrity of the Single Market.pdf

Dear Mr. Sadauskas,

EUROPEN, the organization for the Packaging and Environment, strongly supports the new Circular Economy Action Plan, which sets the basis for an innovation-driven policy agenda to scale up the circularity of the EU economy. For this agenda to be effective, it is essential that the EU and its Member States pursue a rigorous implementation and enforcement of the EU Single Market principles. This is key to ensure the harmonised legal requirements that facilitate economies of scale, strengthen the implementation of packaging and packaging waste targets in all Member States and encourage the development of fully integrated EU markets for secondary raw materials.

In this context, we would like to bring to your attention that EUROPEN has provided comments to the TRIS consultations on two draft Decrees recently notified by the French authorities, the draft implementing Decree on the Requirement to Feature the Triman Logo and Additional Sorting Instructions and the draft implementing Decree providing for reduction and prohibition of specific single-use plastic products. Both draft Decrees are meant to implement specific provisions of the French Law 2020-105 of 10 February 2020 on Waste Prevention and the Circular Economy, which was not notified under the TRIS procedure.

Our analysis, based on legal memoranda which are attached to this email, concludes that both draft implementing Decrees and certain provisions of the French Circular Economy Law may create barriers to the free movement of goods within the EU Single Market and are not in compliance with EU secondary legislation, notably the Packaging and Packaging Waste Directive, the Waste Framework Directive and the SUP Directive. Consequently, we have called on the Commission to issue a detailed opinion on the draft implementing Decrees and to inform the French authorities of the fact that specific provisions of the French Circular Economy Law should have also been notified under the TRIS procedure.

The importance of preserving the integrity of the Single Market for packaging and packaged goods to achieve the Circular Economy goals has been also stressed in a joint-industry statement, which EUROPEN co-signed together with 58 other organisations from the European packaging value chain. The statement and the letter that we have sent last week to President von der Leyen are also attached to this email.

We look forward to continue working with you on our shared goals to deliver a true Circular Economy and a strong Single Market and we would welcome the opportunity to exchange views with you on this important topics.

We thank you for your consideration and we remain available for any clarifications you may need.

With best wishes,

[REDACTED]

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**The European Organization for Packaging and the Environment aisbl**

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