

# EuPC focus on Packaging



**EUROPEAN PLASTICS CONVERTERS NEWSLETTER**  
PROVIDING EuPC MEMBERS WITH A BRIEF OVERVIEW  
OF EuPC PACKAGING ACTIVITIES AND ISSUES

March 2007

## EuPC Packaging Forum



Noordwijk, in the Netherlands will be the host city for the Plastic packaging event of 2007, organized by **EuPC**. The **EuPC** Packaging Forum has become a traditional occurrence for the Plastic Packaging Industry, thanks to the consolidated experience gained in many years of organization and promotion. The event will take place in occasion of the **EuPC** General Assembly.

Mr Bernhard Borgardt will chair the conference, as Packaging Division President within **EuPC**. Important speakers have been invited to make a lecture, i.e. DOW Chemicals, Schoeller Arca, Procter & Gamble, DSM..... The consolidated and traditional structure of the conference has been maintained. A vision of the plastic packaging market that takes into consideration the entire supply chain: from the supplier to the Downstream user to the customer and ultimately the recycler.

## EU Regulatory Affairs REACH

The long waited REACH Regulation has come into force in December 2006; the legislative and political process to arrive to this achievement has been long and full of hurdles. The European Parliament and the European Council reached a political compromise that, at the end, did not fully satisfy the parties involved. As foreseen by the Regulation the obligations to comply with the REACH regulation will begin as from 1<sup>st</sup> June 2007. In the meantime the RIP's are proceeding and the Commission hopes that they will all be ready by 2007.

The RIP's, even if not strictly legally binding, have to be considered as sort of "best approaches". Concerning the RIPs referred to in the recitals, it should be borne in mind that those RIPs should lead to the preparation of technical guidance which aims to help the Commission, the Agency, Member States, Manufacturers, Importers and Downstream Users to fulfill their obligations under the REACH Regulation, as foreseen in recital 24. The recital thus acknowledges that the resulting guidance documents are exactly that: guidance documents which are not part of the legal text of REACH. The primary obligation is to comply with the obligations under the REACH Regulation, but the guidance documents help to do this. They are the best method available of getting that guidance accepted "officially" and certainly help to legitimise certain actions under REACH – in **EuPC/EuPR** case the use of generic information to compile SDS.

## Revision of EU Waste Legislation

On 13 February 2007, the European Parliament held its first reading on the revision of the Thematic Strategy on Prevention and Recycling of Waste and the Waste Framework Directive, thus commencing the legislative process.

The Waste Strategy was first developed in 2003 and the last version of the waste strategy was issued by the European Commission in December 2005. The European parliament was called to vote upon it in February 2007, during its Plenary Session in Strasbourg. It is a communication strategy and not a legislative proposal; nevertheless there are important aspects that could be transferred into legislation. The Waste strategy was the first document where the Commission introduced the concept of Waste Hierarchy (prevention, re-

use, recycling, recovery and disposal).

**EuPC** was able, thanks to intensive lobbying and the collaboration of PlasticsEurope, to change an amendment calling for a separate legislation for PVC; a communication strategy will be instead developed based on the one elaborated by MEP Sacconi in 2000.

The Waste Framework Directive (WFD):

A number of issues related to the outcome of the vote of the Waste Framework Directive in First reading in the European Parliament (EP) have a direct link to the Plastic converting and recycling industry:

Amendment 38, 108, 157, 140 and 141 (Article 5) 2d. *Member States shall take measures to promote high quality recycling and to this end they shall adopt separate collection schemes wherever necessary to guarantee the necessary quality standards for the relevant recycling sectors. By 2015 the Member States shall set up separate waste collection schemes for at least the following: paper, metal, plastic, glass, textiles, other biodegradable wastes, oil and hazardous wastes. This shall apply without prejudice to existing or future waste stream legislation or the requirements of Article 18;*

Definitions: Recycling, Recovery, Prevention, energy recovery, disposal; The EP has endorsed, through legislation, the 5 step Waste Hierarchy under the legislation (prevention, reuse, recycling, recovery and landfilling);

The definition of "Secondary Raw Material" will be needed and will be relevant for both converters and recyclers especially from the REACH point of view.

From a legislative perspective, the European Council of Ministers will have to issue its common position related to the amendments voted in plenary session by the European Parliament. June will probably be the month in which the common position will be realized.

## EU Eco-Crime Law

The European Commission has launched a proposal to criminalize important environmental offences; the company directors could be faced with a ten year imprisonment and millions of Euros of fines, if found guilty.

Mr Dimas, the EU environmental Commissioner, affirmed the necessity to make environmental legislation respected and followed throughout the EU and this could only be achieved through a criminal and administrative sanction. This proposal was backed up by the EU Commissioner for Justice and Home affairs, Mr Franco Frattini; he affirmed that in the EU there is no harmonization concerning the respect to environmental legislation.

It will be up to the Member states to classify which type of offences correspond to which type of sanction; the legal rule of "acting intentionally" and with "negligence" will apply. The European Commission has foreseen that for the most serious cases the sanction could be of ten years of jail and a fine of more than 1,5 million Euros.

The European Council is looking at this issue with some scepticism because the Commission is perceived as interfering in issues related to the sovereignty of a country. Instead the European Parliament is looking at this issue with great interest.

## Anti-Dumping Complaint on Plastic Bags

The recent decision of the European Council of Ministers, took in September 2006, is already under scrutiny by the European Commission. **EuPC** has learned that one of the companies, found guilty of dumping the products object of the complaint in the European Union, has asked a new set of investigations to be carried out by the EC. The Notice of initiation of a partial

interim review was published on 9/03/2007 in the Official Journal of the European Union (Ref. 2007/C54/06).

The review is limited in scope to dumping aspects as far as one exporting producer, Xinhui Alida Polythene Limited, is concerned. The investigation will assess the need for the continuation, removal or amendment of the existing measures in respect of the company mentioned above. The investigation will be concluded, according to Article 6(9) of the basic anti-dumping Regulation, within 15 months of the date of the publication of this notice in the Official Journal of the European Union. All interested parties, that wish to make themselves known by the Commission, must present their views and submit questionnaire replies or any other information within 40 days of the date of publication of the notice in the Official Journal of the European Union. For hearings, all interested parties may also apply to be heard by the Commission within the same 40-day time limit. **EuPC** believes that legislation and rules will have more possibilities to be respected if there is legal certainty regarding the correct applications of the sanctions that the legislation foresees; reviewing the duties that have been recently imposed will make the TDI system (Trade Defensive System) less reliable for business operators.

## National Issues

### France

A second decree is currently being prepared in the frame of the agricultural law and some usage of plastics will be chosen from material based on renewable resources. The products under discussion are rubbish bags, knives, forks, spoons and ear tips and biodegradable products.

In relation to the ban on traditional plastic bags, France has still to respond to the European Commission after having received formal notice in 2006. **EuPC** position on this case has been accepted by the European Commission. For more information please contact Françoise Gerardi ([f.gerardi@packplast.org](mailto:f.gerardi@packplast.org)).

### Belgium

The Belgian federal government held last weekend its final budgetary round before the elections of June. The general ecotax on all packaging with discrimination between paper and plastics is of the hook and narrowed down to an ecotax on "avoidable" packaging: plastic bags (3€/kg), household film (plastic 2.7€/kg - aluminum 4.5€/kg) and plastics cutlery (3.6 €/kg). There is, for the time being, no mention of paper, paperboard and Bioplastics; this situation could lead to a material discrimination. This situation could lead also to the hypothesis that plastic product in these applications will be substituted by other materials. For more information please contact: Mr Geert Scheys ([gscheys@fedichem.be](mailto:gscheys@fedichem.be)).

### Italy

The ban on traditional plastic bags as from 2010 that the left wing government tried to introduce in the framework of the draft Environmental Code, failed in 2006. The government, has introduced instead a "project", that will start in 2007. The aim of the project is to verify the economical/environmental compatibility of such ban with current state of the art of the market. Baring in mind that Italy is one of the biggest producers, alongside France and Spain, of such products. For more information please contact Enrico Chialchia ([Em.chialchia@federazionegommaplastica.it](mailto:Em.chialchia@federazionegommaplastica.it)).

## EuPC Upcoming events

18	April 2007	EuPC Cocktail	Brussels, EuPC Centre
27	April 2007	REACH Workshop for Recyclers	Dublin, Ireland
3	May 2007	REACH Workshop for Calendering & Coating	Brussels, EuPC Centre
7	June 2007	Packaging Forum	Noordwijk aan Zee, the Netherlands
6-9	June 2007	EuPC Annual Meeting	Noordwijk aan Zee, the Netherlands
19	June 2007	REACH Workshop for Injection & Blow Moulding	Brussels, EuPC Centre
17-18	September 2007	NPA Platform Meeting	Brussels, EuPC Centre
24	September 2007	Packaging Excom	Milan (tbc)
16	October 2007	REACH Workshop for Extrusion	Brussels, EuPC Centre
3	December 2007	Packaging Plenary	Brussels, EuPC Centre