



EUROPEAN PLASTICS CONVERTERS NEWSLETTER

PROVIDES EUPC MEMBERS WITH A BRIEF OVERVIEW OF
EUPC ACTIVITIES AND ISSUES

February 2011

Italian ban on non-biodegradable plastic bags

On January 1st 2011 Italian legislation banning the use of 'non-biodegradable' plastic bags, entered into force. Stores and supermarkets are allowed to use up their current stocks of plastic bags provided that they give them out free of charge. Italian government aims by this ban to reduce CO2 emissions and to protect the environment. Next to that, Italy wants to support its agricultural sector with the commercialization of bio-materials.

EuPC strongly opposes this ban which is an unjustifiable breach of EU law, more specifically of the Packaging and Packaging Waste Directive (Directive 94/62/EC). Not only is the ban a violation of the free movement clause foreseen in article 18* of Directive 94/62, but it is also an infringement of the waste treatment hierarchy as set out in the Waste Framework Directive 2008/98/EC. According to this waste treatment hierarchy, prevention, reuse and recycling are the preferred waste treatment options followed by recovery and disposal. The Italian ban disrespects totally the fact that traditional non-biodegradable bags are reusable, recyclable and recoverable. Furthermore, by installing a measure as radical as a ban Italy disrespects the principle of proportionality which requires that measures are appropriate for attaining the objective pursued and do not go beyond what is necessary to achieve it.

EuPC lodged a complaint against this ban with the European Commission and shall make every effort to challenge this legislation from a legal point of view. The Commission investigation is currently ongoing and will probably take some time.

Meanwhile, given that fact that Italy failed to notify this ban to the European Commission and that failure by a Member State to comply with the notification obligation deprives the Member States technical regulation/ measures of any legal effect** the ban is inapplicable and should be set aside by the Italian courts. Federazione Plastica is closely involved in this matter with the Italian courts.

* 'Member States shall not impede the placing on the market of their territory of packaging which satisfies the provisions of this Directive'. In casu the plastic carrier bags fulfill the requirements of the Directive and therefore can't be banned.

** See Case C-194/94 CIA Security International SA v Signalson SA and Securitel SPRL [1998] ECR I-2201 and Case C-443/98 Unilever SpA v Central Food SpA [2000] ECR I – 7535;

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FEVE attacks PET bottle in European Parliament

On February 9, 2011, FEVE (glass container Federation for Europe) organised a Water tasting event on Natural Mineral waters in Europe. The objective was clear: position the glass container as the sustainable packaging for water in the world.

Several negative statements on plastics packaging were made and had to be rectified. A well know Water sommelier Mr Andreas Larsson had been hired to explain the 150 delegates about the benefits of keeping natural water pure in glass and enjoying its different tastes. The event was hosted by a member of the Progressive Alliance of Socialists and democrats Dr Rovana Plumb. A presentation was made by a member of the European People's Party Dr Theodoros Skylakakis and finally Dr Filip Kaczmarek from the EPP closed the session.

The plastics industry was only represented by Alexandre Dangis and Ingrid Verschueren. **EuPC** will discuss this event at the next Packaging Division meeting and propose a strategy to counter these negative events that have been set to attack the PET bottle industry in Europe.

European Packaging Forum in Brussels on Marine litter

On March 9, Alexandre Dangis will make a presentation at the European Packaging Forum in Brussels on Marine litter. This yearly event is attended by the whole packaging community in Brussels with a lot of brand owners present. He will focus his presentation on the need for

integrated waste management plan to address the growing issue of marine litter and the need to raise the awareness at regional, national and European level. It will also be a good occasion to present the launch of the **EuPC** EWFO campaign to fight against this problem and highlight the need to act. **EuPC** will be launching in May 2011 at its Annual Meeting the European waste Free Oceans initiative to clean up coastal waters in Europe by using the fishermen network and EU subsidies.

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Roadmap to a Resource Efficient Europe

The Europe 2020 strategy is the principal economic reform strategy of the European Union. As part of this strategy, the Commission is launching seven "flagship" initiatives including one on "Resource Efficient Europe". In this context DG ENV will be leading on the development of a "Roadmap to a Resource Efficient Europe" due by summer 2011, which will describe the vision of a more resource-efficient economy in 2050 and propose new policy initiatives for short and long-term economic and environmental benefits. Structural changes to the economy will be required to deliver on resource efficiency, necessitating better synergies between existing Community policies and further changes in policy to make them happen, including in the international arena.

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European Bottled Water & Soft Drinks Industries drive initiative to improve recyclability of PET bottles

Brussels - 15 February, 2011 - UNESDA - the Union of European non-alcoholic beverage associations together with EFBW - the European Federation of

Bottled Waters, recommend their respective membership to adhere to specific design order to improve their recyclability. Incompatible materials can adversely affect the PET recycling process. Components of packaging design on PET bottles such as barriers, additives, full body sleeves and opaque colouring are leading to deterioration in the quality of recycled PET which is negatively impacting bottle-to-bottle recycling. In order to improve the quality and economic viability of PET bottle recycling, UNESDA and EFBW recommend their members to implement "Design for Recycling Guidelines" – a set of specific criteria established by the European PET Bottle Platform (EPBP) with the participation of PETCORE and EuPR.

"The bottled water and soft drinks industries are fully committed to operating in an environmentally sustainable manner. Our goal is to encourage members to consider the recycling of PET bottles at the very beginning of the planning process when developing new PET bottle designs", says Philippe Diercxsens, a leading packaging expert and Vice-Chair of EFBW's Environment Committee. Recycled PET (r-PET) is a valuable resource, not only as secondary raw material for new bottles, but also for other second life applications. EFBW and UNESDA hope their members will reach compliance with the EPBP guidelines by the end of 2012. Encouraging producers to meet the design for recycling guidelines is a positive step forward, not only for the future of bottle to bottle recycling, but also in terms of resource efficiency. Source: UNESDA – the Union of European non-alcoholic beverage associations. EuPC will organize meetings with EPBP to discuss further technical improvements of the guidelines. **Contact:** alexandre.dangis@eupc.org

Foundation of new Food Contact Regulatory Experts Panel

On 19 October 2010, a new Food Contact Regulatory Experts Panel was set-up. This new group is a merge from the former EuPC food contact working group and the Expoplast project

consortium. Whilst the food contact working group was an efficient discussion forum to follow up regulatory issues related to food contact, there was a need to involve more and more senior consulting and company expertise to support these activities.

In parallel, a consortium within EuPC, Expoplast involved some of the EuPC members that funded the development of exposure based tools. The approach together with the value chain was successful in that it developed a solution to alleviate one key concern of the authorities regarding reaction and degradation products, the so called not intentionally added substance and avoid a very burdensome legislation. Expoplast contributed within the "Matrix Project" to the development of plastics exposure correlation factors and a guidance document describing a methodology enabling to assess the risk from those substances with the help of those correlation factors (through the concept of Level of Interest).

The consortium also invested in the development of advanced stochastic exposure modelling adapted to packaging. Those efforts resulted in an EU funded project aiming at developing an integrated risk assessment software that would include a database of the most common chemical substances used in food contact packaging, food additives and flavouring, a coverage of all EU Member States, latest migration and exposure concept : the FACET Project. The new group which is open to both to EuPC member association and their member companies agrees every year on a budget to fund the next year activities. In 2011, these will involve : trainings in the assessment of non intentionally added substance and other webinars on different aspects of food contact regulatory compliance. A pan European survey on plastics packaging structures, processing operating conditions and other factors influencing exposure or migration will be undertaken in order to contribute to the FACET project. Other regulatory issues will be followed as well such as the implementation of the new Plastics Implementing Measure EU

10/2011, the format of the declaration of conformity or the impact of the new Swiss packaging ordinance on printing inks. In conclusion, the Food Contact Regulatory Experts Panel now with the right structure and means will further develop the knowledge of its members, build on the excellent reputation of EuPC with regulatory authorities in the field of food contact and bring practical solutions with a view of reducing the costs related to regulatory compliance of converters. **Contact :** geoffroy.tillieux@eupc.org

EuPC staff news



Since January 2011 **Ingrid Verschuieren** has been appointed the new Packaging Manager at EuPC, the Brussels based plastics converters trade association.

Ms Verschuieren has a legal background and has been working for EuPC as Legal Director since 2006. She took over the management of the Packaging Division from former EuPC Advocacy Director Paolo Bochicchio, who worked 7 years for EuPC and left recently.

Commenting on her assignment she indicates that the plastics packaging industry in Europe has new challenges ahead towards achieving more recognition regarding the way to sustainability: *"Plastic packaging makes it possible for companies to meet their sustainability goals. Plastics are often demonstrated to be the most eco-efficient packaging materials. If plastic packaging were to be replaced by alternative materials, the weight of the packaging would rise significantly and the production costs and emissions of greenhouse gases would be doubled."* she says. *"We will continue to focus on sustainability performance. Next to that we'll keep on looking for material innovations that can improve even more (food) safety and quality"*.

On 19 May EuPC will organize its Annual Meeting in Saint-Jean-Cap-Ferrat, including the Plastics Packaging Forum bringing together EU decision-makers and all stakeholders of the plastic packaging value chain.

EuPC Upcoming Meetings

08 March 2011
08 March 2011
09 March 2011
15 March 2011
16 March 2011
17 March 2011
18-20 May 2011
19 May 2011
20 May 2011

EuPF Plenary
Packaging Excom
Steering Committee
NPA Meeting
NPA Meeting with PlasticsEurope
HSE / RM Committees
EuPC Annual Meeting
Market Divisions Meetings
EuPC General Assembly

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