

EuPC focus

on Packaging



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Packaging Division News

Packaging Excom elections, election of the chairman and the two vice-chairmen

On occasion of the 2006 Packaging



Forum, organized in Helsinki, the **EuPC** Packaging Division will elect the new

members of the Excom, the chairman and the two vice-chairmen.

EuPC Packaging Forum, 2006 Edition

Helsinki will host the 2006 edition of the **EuPC** Packaging Forum; the programme of the conference will be emphasized by the presence of



exceptional speakers from Huhtamaki Oy, namely Tim

Keski-Mattila General Manager Consumer Goods - Bank of Finland, namely Pekka Sutela - Borealis, namely Russell Tew, Marketing Manager, Polyone Corporation, namely Bernard Baert and Sealed Air Corporation namely Dario Dainelli; the Convention will be lead by the chairman of the Packaging Division, Bernhard Borgardt.

EU Regulatory Affairs

The Packaging Directive, being in place for 10 years, has produced certain effects that the European Environment Agency (EEA) wanted

to analyse through a study on the "effectiveness of the directive throughout certain EU countries, namely: Austria, Denmark, Ireland, Italy, and the United Kingdom". This study follows to the two commissioned to Perchards and Pira.

In general terms the study has shown that, apart from Austria (where the amounts of packaging have stabilised), the remaining countries have shown an increase in the overall amounts of packaging between 1997 and 2001; especially Italy and Ireland have shown a huge increase in packaging by 18% and 36%. All the analysed countries have met the 25% recovery target but not all met the 50% recovery target.

The European Commission final report is expected before summer 2006 and it will be analysed by the European Parliament and the Council. In the meantime the draft report is sitting on the desk of the Director General of DG Environment and will go into interservice consultation very soon.

The implementation of the Packaging Directive 2004/12 into national legislation is still an on going process in many Member States, even if they should have done so by 18/08/2005. Reading through the Directive, the Member states must follow *ad litteram* and update the new recovery and recycling targets. It is possible to differentiate two different categories of Member States:

1. Member States that have fully transposed it: UK, France, Germany, Hungary, Luxembourg (abandoning the idea of introducing a ban on PVC in food contact products), Slovakia, Portugal, Denmark, Slovenia, Sweden, Austria, Ireland,

Spain, and Czech Republic;

2. Member States that have not yet notified the transposition to the EU Institutions: Belgium, Italy (due to the change of the government, the environmental Decree, which will transpose the 2004/12 Directive, is still to be approved), The Netherlands, Poland, Finland, Malta, Greece, Estonia, Lithuania, Latvia and Cyprus;

To be noticed that transposition of an EU law without notification (where required) to the EU Institutions equals to be in breach of EU law.

Food Packaging: legislative update

In the last months the Commission (DG SANCO) increased its range of legislation as a reaction to various crises. The project regulation relating to restrictions applied to materials and articles intended to come into contact with food or substances used in these materials and articles, are not just plastics specific and introduce a.o. new restrictions on phthalates, and a temporary derogation until 31 December 2007 for the plasticizer ESBO exceeding the overall migration limit. Following the ITX case (high level of this substance found in tetra packs due to the set-off of ink formulations), the European Commission also issued legislation on Good Manufacturing Practices (GMP), with a specific annex on packaging inks. It should be noted as a positive point that those regulations are not plastic specific and allow the European Commission to take adequate measures on all materials. However, issuing a new regulation each time there is a crisis can be considered as an over-regulation. An industry answer for

avoiding these crises is necessary. It means the development of better communication network along the supply chain, exchange of adequate information and development of risk assessment tools such as exposure. **EuPC** is working on this in participating in joint industry groups (e.g. inks), finding an agreement with food industry on exchange of information or with the Expoplast exposure project sponsored by some member associations and companies from **EuPC** which is developing databases and software for assessing exposure. The third amendment to the plastics directive was published in the



Official Journal in November 2005 and the fourth amendment shall

soon enter the interservice consultation. Whilst it contains positive points such as the introduction of the functional barrier, the latest draft raises concern on confidentiality (mandatory disclosure of substances with SML), in practice only partially introduces the concept of fat reduction factor, and sets new restrictions for the use of simulant D reduction factor. **EuPC** shall contact the competent services in the Commission in order to correct this version of the fourth amendment. On the positive side, the active & intelligent packaging legislation should soon be adopted. The following timeline is expected for the publication of the different

texts:

- October 2006: regulation on restrictions, fourth amendment and to activate an intelligent packaging
- End of the year: regulation on GMP
- End 2006 - Q1 2007: recycling regulation, text to be adopted after finalization of impact assessment.

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Anti-Dumping Complaint on Plastic Bags - Update

On 18 May 2005 thirty EU producers filed an anti-dumping complaint with the European Commission against Asian dumped imports.

Despite the ongoing investigation, foreign producers in these countries are continuing to dump imports into the EU market. The price undercutting has grown even worse, with dumped imports being priced early 2006 greater than 25 % below the non-profit prices of Community producers. As a result, the financial condition of the Community producers has deteriorated even further, and certain producers have now closed or shut down production lines, with consequent impact on their workers, the supply chain, and their local communities.

On 10 March 2006 the Commission informed the Complainants that the investigation had not been completed with respect to several aspects of the case, including the examination of infor-

mation submitted by Chinese producers. As a result, the Commission stated that it was not possible to recommend the imposition of provisional measures by the legal deadline of 30 March 2006.

On 17 March 2006 the European Commission has informed the National Plastic Associations that the Anti-Subsidy proceeding was terminated, due to lack of data that could support the Anti-Subsidy fraction of the case and the fact that the complainants have agreed to withdraw from the case, upon suggestion of the European Commission during the negotiation phase. Nevertheless, the Anti-Dumping case is continuing although the EU Commission has not proposed provisional measures, they are considering closing the case before summer with, hopefully, final measures.

EuPC is and will increase its advocacy efforts towards those Member States that have not taken a position yet on the above case; in addition **EuPC** will continue to monitor those Member States that have expressed a positive attitude towards the rightful concerns of the plastic converting industry.

The final decision concerning anti-dumping should be taken end June.

EuPC Upcoming events

7-10 June 2006	General Assembly EuPC	Hilton Kalasjatorppa, Helsinki
8 June 2006	Packaging Forum	Hilton Kalasjatorppa, Helsinki
8 June 2006	Packaging Division Plenary Meeting	Hilton Kalasjatorppa, Helsinki
20 June 2006	Health, Safety and Environment Committee Meeting	EuPC offices, Brussels
22 June 2006	A practical approach to LME Plastics Risk Management	EuPC centre, Brussels
26 September 2006	Trade Committee Meeting	Warsaw, Poland
16 November 2006	Regulated Substances Conference	EuPC offices, Brussels
7 December 2006	REACH Conference	EuPC offices, Brussels