

# EuPC focus on Packaging



December 2005

## Packaging Division News

### EUPC PACKAGING DIVISION

#### Two New members join the Packaging Excom

**EuPC** Packaging Division Excom has recently enlarged the number of its members: Mr Jordi Sabadell of the company EDP (Spain-ANAIP) and Mr Ad Groenewegen of the company Valeron (Belgium-FebelPlast).

The 4th **EuPC** Packaging Forum will be organized in June 2006 in the attractive city of Helsinki.

Unionplast has recently merged with the Italian Rubber Association (AssoGomma); thus also amending its name into "Federazione Gomma-Plastica".

### EU REGULATORY AFFAIRS

#### Food Packaging: Legislative update

#### **Food contact Packaging: legislative update: towards a workable system or only the tip of the iceberg?**

Following wide criticism by industry of the project of food contact plastics Super-regulation and thanks to constructive discussion with the Authorities (eg. Workshop organized by **EuPC** with the value chain and the European commission on 12th April and 5th October 2005; the European Commission has withdrawn the Super-regulation from the table and follows a new approach. Points on which enough consensuses could be reached will be agreed upon as a fourth amendment to the plastics directive to be most probably adopted by June 2006. This amendment shall introduce fat reduction factors, allowance of biocides in industrial uses (eg conveyor belts) and minimum requirements for a declaration of compliance. It could also integrate the framework for allowing materials with a functional barrier. The focus on declaration of compliance makes it a key document making sure that, a product is compliant at each level of the value chain. This declaration of compliance should be precise and transparent.

The remaining content of the super-regulation has not disappeared (issue of surface volume ratio, extension to other

materials, focus on not intentionally added substances) and will be transferred to a text called plastics implementing measures.

Exposure concepts also gain a wider acceptance from the authorities and a dossier will be presented to EFSA on exposure stochastic modelling in December. **EuPC** is contributing to develop such Exposure tools via its consortium Expoplast which is open to any **EuPC** member association or company. The tools developed shall ensure easy compliance based on exposure for the consortium members. As soon as an abstract has been published in a peer reviewed journal, such tools can be used to prove compliance with art. 3 (non intentionally added substances) as foreseen in fourth amendment.

First steps have been made in order to get out of the impasse on the question of disclosure/exchange of information with food industry. A joint plastics value chain WG has been set-up in order to reinforce cooperation with food industry, facilitate regulatory compliance (exchange of information) and prevent crisis related to packaging. Although, discussion process could still take several months before coming to an outcome satisfactory to both parties, the general feeling was that positive steps for bridging differences could be made.

In addition, a new Commission regulation on restrictions applied to material and articles to come into contact with foodstuffs should soon be adopted. This will enable European Commission to take emergency measures related to all material in contact with foodstuffs (ESBO, phthalates...).

The **EuPC** activity also enabled to speed up the adoption of regulation related to post consumer plastics recycling in food contact as well as active & intelligent packaging.

Finally, the Commission is now examining the possibility to adopt a regulation on coatings.

In conclusion, regulatory activity in food contact isn't definitely decreasing. Although some of the last development can be considered as positive only sustained attention and efforts by **EuPC** and its members shall ensure that a workable legislation is developed for plastics in the

field of food contact.

#### Thematic strategy on prevention and recycling of waste and on natural resources

The long awaited Thematic Strategies on Prevention and Recycling of Waste and on Natural Resources will be finally issued by the European Commission by the end of 2005. They are at present under interservice consultation.

#### **Thematic Strategy on Prevention and Recycling of Waste**

The idea laid behind the development of the EU strategy refers to the theory that EU waste policy is based on "waste hierarchy": thus waste should be prevented and what cannot be prevented should be recycled and/or recovered and using landfilling as the last resort (According to European Commission figures, plastic waste going to landfill has increased by 21% between 1990 and 2002). The proposed strategy is strictly linked with the Waste Framework Directive, The Waste Shipment Regulation; without forgetting legislation referring to particular type of waste streams, i.e. Packaging Directive, ELV ...etc. In The Thematic Strategy on Prevention and Recycling of Waste "*The long term goal is for the EU to become a recycling society, organised around the maximum recovery of materials where this makes environmental and economic sense, and energy recovery where this is more efficient. With high environmental reference standards in place the internal market will facilitate recycling and recovery activities*". These objectives will be achieved by:

1. A renewed emphasis on full implementation of existing legislation - Enormous differences between Member States in the implementation of EU legislation
2. Simplification and modernisation of existing legislation - Clearer definition of waste, recovery and recycling - all to be included in the revision of the Waste Framework Directive
3. Introduction of life-cycle thinking into waste policy - Life-cycle approach would mean a more effective legislation in order to reach the maximum benefit for the environment
4. Promotion of more ambitious waste prevention policies - The Eu will promote the use of the IPPC Directive and

IPP

5. Better knowledge and information  
 6. Development of common reference standards for recycling - Common standards for Recycling to ensure the proper functioning of the Internal market  
 7. Further elaboration of the EU's recycling policy - The material specific target approach will not be taken into account in this context (The concept was strongly opposed by **EuPC**); however it will be further developed by the Commission

### Thematic Strategy on Natural Resources

*"The challenge for policy makers is to facilitate and stimulate growth while at the same time ensuring that the state of environment does not get worse. Efficient use of resources contributes to growth. Inefficient use of resources and overexploitation of renewable resources constitute long term brakes on growth".*

The objective of the strategy is *"to reduce negative environmental impacts generated by the use of natural resources in a growing economy - a concept referred to as decoupling".* Thus, reducing the environmental impacts per unit of resource use while at the same time improving resource productivity.

To achieve this objective the strategy includes actions to:

- improve our understanding and knowledge about European resource use, its negative environmental impact and significance in the EU and globally,
- develop tools to monitor and report progress in the EU, Member States and economic sectors,
- foster the application of strategic approaches and processes both in economic sectors and in the Member States and encourage them to develop related plans and programmes,
- Raise awareness of stakeholder and citizens about the significant negative environmental impacts from resource use.

The life cycle approach will be applied in the context of the "EU Strategy for Growth and Jobs" and the recent

Communication on "Strengthening the policy framework for EU manufacturing: an industrial policy for Growth and Employment". The implementation of these plans would bring not only a strengthening of competitiveness and of overall performance, but also a reduction in the negative environmental impacts.

The Commission's integrated impact assessments (IIA) will be an important mean to apply the life cycle approach (because it takes into considerations the economic, social and environmental impacts of different policies). The results of the IIA can be widely used at national level, by Member States.

The above strategy takes into consideration also the scarcity and the difficult use of information on pollution and resource use.

By 2008, the Commission will build up indicators to measure progress towards achieving the objectives of this strategy.

Based on the principle of subsidiarity the Member States should work on developing national measures and programmes in order to achieve the strategy's objectives. These measures and programmes should focus on:

- v Resource use which has the most significant environmental impacts
- v Mechanisms to monitor progress
- v Developing targets.

The Commission will review the progress made in 2010 and then every five years.

### Anti-Dumping Complaint on Plastics bags

An Anti-Dumping complaint, in opposition to possible dumped imports of plastic bags into EU territory from certain Asian countries, has been officially launched in June 2005. **EuPC**, as representative of the European plastic converting manufacturing industry, is a concerned party of the complaint. The European Commission is, at present, investigating the *raison d'être* of the complaint; an official pronouncement vis-à-vis provisional duties will be taken by the Member States Anti-Dumping Committee in January/February 2006. **EuPC** has made clear efforts to 1) sustain the case before its member Associations and before the EU Member States - 2) to defend the European Plastic Converting Manufacturing Industry against unfair trade. In

this respect, **EuPC** convened with several Member States Permanent Representative before the EU

(namely: UK, Austria, Latvia, Poland, Lithuania, Italy, Finland, Slovakia and Cyprus). The official position of the European Commission is unidentifiable at the moment for the reason that 1) The investigations, in the complainant's premises, are currently being carried out - 2) The investigations in the alleged countries are also on-going.

### National Developments

#### FRANCE

#### French legislative proposal to ban non biodegradable plastic packaging

##### Introduction:

*On October 11th, two French deputies presented an amendment to the agriculture law, which stated that starting 1 January 2010 the sales and distribution of plastic bags or all plastic packaging which is not biodegradable is forbidden on the French territory.*

##### Heart of the issue:

The amendment to the agriculture legislation has been approved by the chamber of deputies; a final approval from the Senate is needed, in order to have legal validity. If endorsed like it was initially proposed, the French Legislation would contravene the principles behind the Packaging Directive, the CEN Standards and the EU Treaty. On 8th November the French Senate has voted in plenary session the amendment which had been proposed by the rapporteur of the law on agriculture in the Senate (supported by CSEMP). The rapporteur presented a compromise article stating that: "Starting 1st January 2012, the sales and distribution of single use light carrier plastic bags (distributed at the cash register, "sacs de caisse") which are not biodegradable is forbidden on the French territory". Ultimately, this amendment was adopted by the Senate, on 8th November, amending only the date, which will be 2010.

A commission of French MP's (7 deputies and 7 senators) was created to examine thoroughly the matter; they will convene in December (date still to be confirmed) in the aim to adopt a consensual text between senators (The senators will propose the text voted today in the Senate) and deputies (The deputies could propose again the initial text they voted on October 11th which is quite uncertain taking into account the debates which took place in the Senate today).



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Decernis is proud to collaborate with EuPC to assist plastic converters in complying with global regulations (food contact, drinking water, etc.)

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