



23 April 2020

Key definitions: Single Use Plastics Directive (EU 2019/904)

Call for modification of SUPD definitions to achieve Circular Economy objectives

Our commitment is to show that sustainability and competitiveness can go hand in hand which is why our fibre-based products are essential for Europe's steady and sustainable transition to a Circular Economy while preserving the EU Single Market.

We would like to express our concerns with regards to the definition of “plastic” and what constitutes “a main structural component” in the remit of the draft guidance on the Single Use Plastics Directive (SUPD) as failing to set it right would lead to unintended consequences against the objectives of the Directive:

“to prevent and reduce the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health, as well as to promote the transition to a circular economy with innovative and sustainable business models, products and materials, thus also contributing to the efficient functioning of the internal market.”

The SUPD defines ‘plastic’ as:

“a material consisting of a polymer as defined in point 5 of Article 3 of [REACH] Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified.”

We are of the opinion that the above definition cannot be correctly understood outside the context of the objectives of the Directive, in particular concerning recyclability and recycling performance of products.

Furthermore:

1 Natural polymers such as cellulose are not manmade plastics

Natural polymers such as the commercial cellulose pulp and dissolving pulp should not be in the scope of the Directive. Cellulose is not manmade polymer: the polymerisation of cellulose takes place in nature, and the extraction process does not result in a different polymer. The exception of natural polymers that have not been chemically modified is therefore applicable. Including natural polymers to the scope of the directive would effectively ban any renewable, recyclable and biodegradable solution, for instance for packaging. Packaging plays a crucial role in avoidance of food waste and this could lead into significant unintended waste in food supply chains.



2 “Structural” is not the same as functional

The guidance should state that plastics which are necessary for an item to function are not necessarily structural. “Function” and “structure” are two independent terms and cannot be mixed or used interchangeably.

3 “Main” cannot be the same as minor

The guidance should place adequate importance on the word ‘main’. It is clear that if a component is ‘main’ then other components are ‘minor’. Bearing in mind that most types of packaging consist of several materials, the difference in the priority order of the components should be explicitly stated. Therefore we would recommend that Member States consider the “main” of equal weight as “structural component” especially on view of the plastics content of single use items.

Member States should use a threshold approach to set an allowable maximum plastics content for single use items. The French government is already adopting this policy for beverage cups. The allowance should reflect design for recyclability and whether the amount of plastics used is allowing for good recyclability, in line with the objectives of the Directive and the EU circular economy policy. In case of paper and board, evidence for high levels of recycling are based on existing long track record.

We would like to point out that the product scope of **SUPD is closely linked to food safety and hygiene requirements** and should be adequately considered in the SUPD guidance.

The starting point of the SUPD was targeting the 10 most found objects on the beach. A definition that is too broad is not in line with the objective of the SUPD which is to “**prevent and reduce the impact of certain plastic products on the environment**, in particular the aquatic environment, and on human health, as well as to **promote the transition towards a circular economy** with innovative and sustainable business models, products and materials, thus also contributing to the efficient functioning of the internal market”. Reflecting on that, SUPD is not expected to be able to further promote the transition towards circular economy in case of paper and board packaging that already has achieved a high and continuously increasing rate of recycling (85%); such a high level of closing the loop also indicates the absence of extensive littering and the related significant environmental or human health problems the Directive is set to correct. Including paper and board packaging in the scope of the SUPD in the same way as plastics are included is disproportionate.