

Brussels, 21 January 2021

Reference: Joint-industry statement on the Single-Use Plastics (SUP) draft Guidelines– Packaging: Better Regulation and the Single Market

The undersigned European associations fully support the objective of the SUP Directive¹ to reduce impact of certain plastic products on the environment, as well as the promotion of circular approaches aimed at reducing waste generation. Our sectors have supported the publication of a guidance document that would seek a harmonised implementation of the SUP Directive across the Member States, and to this end, we have constructively engaged with the Commission services in preparation of the Guidelines.

We are, however, preoccupied with the latest version of the draft Guidelines that were shared for consideration by EU Member States on 19 January 2021. This draft raises several significant issues for the European packaging value-chain, notably the lack of consideration for the EU Single Market for packaging products, and a clear widening of the scope of the Guidelines compared to the original legislative text.

Rather than provide much-needed clarification, the Guidelines risk, on the contrary, to strongly hinder our companies' efforts to eliminate plastic waste and transition to a circular economy for plastics. Our associations have the following **key recommendations** to ensure that the policy objectives of the SUP Directive are attained:

1. The Guidelines must promote a harmonised transposition of the SUP Directive and preserve the integrity of the EU Single Market

The Guidelines were intended to become a focal reference for EU Member States as they move to transpose the SUP Directive at national level, particularly as core provisions of the SUP Directive have not been sufficiently clarified in the legal text. It is therefore critical that the final text of the Guidelines enables a harmonised approach to prevent market fragmentation, uncertainty and barriers to trade that could be triggered by different legal interpretations of the legislative act. The need for the SUP Directive to avoid fragmentation of the EU Single Market was clearly identified² by the Commission in its Impact Assessment accompanying the original legislative proposal. In fact, the Single Market is a catalyst in the transition towards a plastics circular economy; market fragmentation, even if designed to speed up national transitions, will slow down the transition at larger scale.

Clear and accurate Guidelines in line with the scope of the primary legal text will sustain the efficient functioning of the EU Single Market, which is a necessary condition to foster investments in innovation to reduce plastic waste and deliver a circular economy. As presented to Member States, the latest draft does not meet this essential objective.

¹ Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment

² Commission Impact Assessment accompanying the Proposal for a Directive of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment SWD(2018) 254 final at pp. 32-36

2. The Guidelines must be consistent with the legislative text and be fully aligned with both the stated objectives and the spirit of the SUP Directive

The disconnect between the latest version of the draft Guidelines and the original focus of the SUP Directive is an alarming precedent for the integrity of the EU policy-making process. First of all, it introduces a significant change in scope, compared to the legal text adopted by the European Parliament and the Council. Furthermore, this is done at the very final stage of an intense and purposeful stakeholder consultation, over a period of 15 months, without justification or assessment of the impact.

As an example, in the latest draft Guidelines, we have noted the apparent deviation in the scope and obligations laid out under Article 12 of the SUP Directive. For instance, Article 12 (and Recital 12) clearly mentions that the *portion size* and the *“tendency to become litter”* of a single-use plastic product, *“due to its size or volume”*, are relevant to the categorisation of an item as a single-use plastic product.

These draft Guidelines now seek to sever the link to the product’s littering potential due to its volume or size as guiding criteria for defining SUP items. As such, we believe the Guidelines have encroached upon and eroded the scope of the Packaging and Packaging Waste Directive.

As a result, we anticipate that un-scrutinised adoption of these Guidelines will unintentionally slow down the correct implementation of the SUP Directive.

In conclusion, these draft Guidelines undermine the European Commission’s strive for Better Regulation. The significant expansion of the scope of the Guidelines conflicts with the SUP Directive as well as with other EU legislation, most notably the Packaging and Packaging Waste Directive (PPWD).

Given the importance of the issue and the clear implications for both an effective implementation of the SUP Directive and ongoing review of the PPWD, we remain at your disposal and would welcome the opportunity to provide additional feedback as appropriate to ensure the SUP Guidelines are finalised in a manner that satisfies the objectives originally sought and provides certainty to all market stakeholders.

The undersigned organisations are as follows (in alphabetical order):



Michelle Gibbons, Director General,
AIM – European Brands Association



Susanne Zänker, Director General,
A.I.S.E. - The International Association for Soaps, Detergents and Maintenance Products



Susan Danger, CEO,
AmChamEU - American Chamber of Commerce to the European Union



John Chave, Director General,
Cosmetics Europe - The Personal Care Association



Antonello Ciotti, Chairman,
CPME, Committee of PET Manufacturers in Europe



Mike Turner, Managing Director,
European Carton Manufacturers Association



Dariusz Łazęcki, President,
EUMEPS - European Manufacturers of EPS



Hans van Schaik, Managing Director
EPPA - European Paper Packaging Alliance



Alexandre Dangis, Managing Director,
EuPC - European Plastics Convertors



Francesca Stevens, Managing Director,
EUROPEN - The European Organization for Packaging and the Environment



Mella Frewen, Director General,
FoodDrinkEurope



Venetia Spencer, Secretary General
PCEP - Polyolefin Circular Economy Platform



Christian Crépet, Executive Director,
Petcore Europe



Virginia Janssens, Managing Director
PlasticsEurope - Association of Plastics Manufacturers



Antonino Furfari, Managing Director,
Plastics Recyclers Europe



Sven Heppes, Spokesman,
Smart Packaging Europe



Jens Kathmann, Secretary General,
Styrenics Circular Solutions (SCS)