



Ms. Ursula von der Leyen
President of the European Commission
European Commission
Rue de la Loi 200
B- 1049 Brussels
Belgium

The Hague, 15 June 2020
LN/HvS/EP20-078

Dear President von der Leyen,

We are writing to you regarding the Guidelines the European Commission is currently preparing pursuant to Article 12(2) of Directive 2019/904 on the reduction of the impact of certain plastic products on the environment ("SUP Directive") on behalf of the European fibre-based packaging value chain.

Our Associations represent the circular forest fibre-based packaging value chain. Our members innovate and invest to offer sustainable, circular, renewable and recyclable packaging solutions made and recycled in Europe from European sustainably grown forests, making it one of the most resilient ecosystems in Europe. Our sector invests in Europe twice the amount compared to manufacturing in average and is increasingly digital. Paper and board packaging, manufactured and recycled in every EU member state, can replace fossil-based materials, and is the most recycled packaging material in Europe at 86%. The sector directly employs more than 250,000 people and supports, amongst others, the foodservice market (takeaway and home delivery), which is estimated at EUR 70 billion, employs 1.6 million people and supplies 160 million consumers across the EU.

We are committed to measuring our performance in sustainability and have consistently supported the objective of the SUP Directive. As an eco-system, we have taken action to ensure alignment with SUPD moving further with the entire life cycle and including brand-owners, waste management and researchers.

Our members, in partnership with European foodservice operators, aims at identifying concrete solutions to further encourage recycling and reduce carbon emissions of food and foodservice packaging with an aspiration of reaching 100% recyclability and recycling.

We respectfully wish to express our deepest concern about the possible inclusion, by means of the Guidelines the European Commission is currently preparing on the definition of plastics (as part of the implementation of the SUP Directive), of polymer-coated paper fibre products (“paper fibre products”) in the scope of the SUP Directive. We are of the opinion that as the guidance stands this will lead to an incorrect interpretation of the scope and objectives of the SUP Directive and will have unintended consequences for EU paper fibre products, EU food industry and ultimately EU consumers as well as EU’s climate change and environmental objectives.

We acknowledge that Article 1 of the SUP Directive states that its objectives “are 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”.

Bearing the above in mind, we take the liberty of drawing your attention to the following considerations, which demonstrate that paper fibre products do not fall within the scope of the SUP Directive.

For the discrete purposes of the Single Use Plastics Directive ‘plastic’ is defined as “a material consisting of a polymer as defined in point 5 of Article 3 of 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.”

To our understanding, the word ‘main’ is a comparator and therefore is an integral part of the definition of ‘structural component.’ Logically, if a component of an item of packaging is ‘main’ then some other components of the packaging materials must be ‘minor.’ All material components cannot therefore be ‘main’ even if all materials are necessary for the end product’s functionality. As almost all packaging comprises several materials, and the SUP Directive already exempts glass and metal packaging in combination with plastics, the difference in the priority order of the components should not be ignored. This is important where there is currently no alternative to using a minimum amount of polymer to provide high levels of safety, hygiene and functionality for food and beverage packaging. Moreover, thanks to those characteristics, single use paper packaging plays a fundamental role in reducing the waste in food.

We therefore propose a solution that sets a threshold for polymeric content for the product categories covered by the Directive. A threshold would be a practical tool to provide a clear guidance to Member States which would avoid creating any obstacle to the free circulation of goods.

We believe that the above approach would be compatible with the fundamental principle of proportionality on the basis of which the SUP Directive provides that its scope of application is limited to the top ten products found on beaches in the European Union as reported in the impact assessment. For the sake of clarity, paper fibre products are not among the items most frequently found on beaches. In particular, the paper fibre products are in the 55th place of the list of the marine litter found on beaches and only account for 0.27%.

Our associations respectfully urge the Commission to carefully assess the above elements and the significant negative impact that including polymer-coated paper fibre products in the scope of the SUP Directive would have on the entire food chain and sustainability.

We must ensure that the Single Use Plastics Directive becomes a tool for the future, supporting innovation and the development of new, sustainable solutions. If the Directive also encompasses products made of wood fibre, paper and board, the economic consequences would not only be significant, but we would also miss an important opportunity to promote circular solutions and reduce our dependency on fossil and imported materials. That, for us, goes against the goals of the Green Deal—and the green recovery that should now be our main focus.

As industry representatives, we are serious about our commitment to sustainability. We have set ourselves ambitious sustainability targets and are working hard to develop innovative solutions that can make it possible for Europe—and the world—to reach the goals of the Green Deal. We cooperate with other leading companies across the value chain and wish to partner with all those who share this vision.

We are confident that the European Commission will take the above considerations and request into account when finalising the Guidelines pursuant to Article 12(2) of the SUP Directive and remain at your disposition for any further clarification.

Yours sincerely,



Mr. Antonio D'Amato
President EPPA



Mr. Pablo Serrano
Managing Director Aspack



Mr. Mike Turner
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