



17 April 2020

Guidance for Single Use Plastics Directive (EU 2019/904) – definition of plastic

We are writing to you on behalf of the paper and board value chain to provide feedback to the Guidelines for the Single Use Plastics Directive (EU2019/904).

Our commitment is to show that sustainability and competitiveness can go hand in hand. This is why our fibre-based products are essential for Europe's steady transition to a Circular Economy while preserving the EU Single Market. In fact, our companies transform pulp wood into cellulose and bio-based products while over 92% of our raw materials are sourced in Europe and certified as sustainable.

We would like to express our concerns with regards to the definition of “plastic” in the remit of the draft guidance of what constitutes a single use plastic product (WP1) under the Single Use Plastics Directive (SUPD). It would be very much appreciated that the concerns of our industry are addressed in a proportionate manner at the meeting of the Member States with the Commission on the SUPD guidance, as scheduled to take place on the 24th of April. In particular:

1. The Single Use Plastics Directive (SUPD) defines ‘plastic’ 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.”

Based on our understanding of the definitions, the commercial cellulose fibre grades such as Kraft pulp and the cellulose grades such as dissolving pulp are out of the scope of the Directive. This is because the polymerisation of cellulose takes place in nature and the extraction process only causes unintentional changes to the molecular mass, not the polymer chain. Moreover the changes in crystallinity (when moving from cellulose I to cellulose II) do not result in a different polymer.

2. The draft guidance states that polymers which are necessary for an item to function are structural. This proposed interpretation means that paper products containing polymer will be defined as SUP based on the “intended use” of the product regardless if the polymer is a main structural component.

This is mixing two independent terms: “function” and “structure”. Moreover the notion of ‘main structural component’ is only defined in EFSA guidance on food contact materials:



“materials need to meet functional and performance requirements to ensure that the safety and quality of the products are maintained”.

3. The Directive mentions in the definition of ‘plastic’ that the material “can function as a main structural component of final products”.

Unfortunately, the draft guidance disregards this possibility and places no importance on the word ‘main’. It is clear that when looking at the functionality expected from the plastic there is a ‘main’ component hence 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” component of equal weight as “structural component”. To avoid damaging unintended consequences, we recommend Member States use a threshold approach to set an allowable maximum polymeric content for single use items. The French government is already adopting this policy for beverage cups.

Based on the above arguments, we would ask you to consider the side-effects of the current definition of “plastic” on the EU Circular Economy. The guidelines on single-use plastic products should be consistent with existing legislation such as the food contact legislation. The starting point of the SUPD Directive was to target the 10 most found objects on the beach. A definition that is too broad is not in line with the scope 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”.