

287-47

**From:** Landeg Gavin [REDACTED]  
**Sent:** 22 October 2018 16:23  
**To:** [REDACTED]  
**Subject:** Single Use Plastic Directive  
**Attachments:** SUP Directive Ammendment Proposals.docx

Hi [REDACTED]

Thank you for your time earlier. As discussed, while we strongly support the objectives of the Commission proposal on Single Use Plastics, we have serious concerns about how those objectives may be implemented.

Respect for the environment has always been one of our fundamental business priorities, and we are proud of the leadership role we have played throughout our history in this regard. That has not changed today. We have embraced the concept of a Circular Economy and we strive to aggressively and continuously reduce the total environmental impact of our business. Indeed, in the recent revision of the Packaging Waste Directive, we supported the mandatory collection and recycling of used beverage cartons and the recognition of the important role that renewable materials play in reducing the overall environmental impact of packaging – two important achievements that are now part of EU law on packaging waste.

However, if all the amendments in the Proposed Single Use Plastic Directive recently adopted in the Environment Committee of the European Parliament become part of the final text, it risks having significant unintended consequences and will make implementation difficult. As promised please find the three amendments in the attached which we believe would address these concerns.

Best regards  
Gavin

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## Amendment 1

### Proposal for the Directive

#### Recital 8

##### *Text proposed by the EU Commission*

(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>1</sup> should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, paints, inks, and adhesives. Those materials should not be addressed by this Directive and should therefore not be covered by the definition.

##### Justification:

*Polymeric coatings, linings and layers have hygiene and food safety functionality in multi-material multi-layer articles and cannot act by themselves as main structural components of finished materials or articles and cannot be used in the absence of other materials as the main structural component. The interpretation of the definition of "plastics" in this Directive should be aligned with the definition in the Regulation on plastic materials and articles intended to come into contact with food (10/2011/EC).*

##### *Amendment*

8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, *linings or layers*, paints, inks and adhesives. These materials should not be addressed by this Directive, and should therefore not be covered by the definition.

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<sup>1</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

## Amendment 2

### Proposal for the Directive

#### Article 3

#### Paragraph 1

##### *Text proposed by the EU Commission*

(1) 'plastic' means a material consisting of a polymer within the meaning of Article 3(5) 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;

##### *Amendment*

(1) 'plastic' means a material consisting of a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which *functions* as *the* main structural component of final products, with the exception of natural polymers that have not been chemically modified *and polymeric coatings, paints, inks and adhesives which are not capable of functioning as a main structural component of final articles and products;*

##### Justification:

*For the purpose of this Directive and to ensure common interpretation by Member States and well-functioning of the EU Single Market, the scope of "plastics" in this Directive should be clearly defined in order to avoid different interpretations.*

## Amendment 3

### Proposal for the Directive

#### Article 3

#### Paragraph 2

##### *Text proposed by the EU Commission*

(2) 'single-use plastic product' means a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to the producer for refill or re-used for the same purpose for which it was conceived;

##### *Amendment*

(2) 'single-use plastic product' means a product that is made wholly or partly from plastic ***with the plastic functioning as the main structural component*** and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to the producer for refill or re-used for the same purpose for which it was conceived;

#### Justification:

*For the purpose of this Directive and to ensure common interpretation by Member States and well-functioning of the EU Single Market, the scope of "single-use plastic product" in this Directive should be clearly defined in order to avoid different interpretations.*