

360-27

From: [REDACTED]
Sent: 12 February 2019 16:08
To: [REDACTED]
Subject: FW: Concerns regarding the inclusion of cigarette filters within the EU Single Use Plastics directive

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 04 December 2018 16:15
To: [REDACTED]
Subject: FW: Concerns regarding the inclusion of cigarette filters within the EU Single Use Plastics directive

FYI

From: Info ITMAC [REDACTED]
Sent: 04 December 2018 15:50
To: [REDACTED]
Subject: Re: Concerns regarding the inclusion of cigarette filters within the EU Single Use Plastics directive

Dear [REDACTED]

Ahead of the Council Working Party on the Environment meeting **tomorrow 5 December**, Itmac would like to highlight the following concerns with the proposals being put forward by the European Parliament, specifically those regarding consumption reduction (Art 4 (2a)).

As we have raised before in previous correspondence, there is no internationally agreed standard on the biodegradability of cellulose acetate filters used in our products exists. Because of this, implementing consumption reduction measures in this context would be equivalent to a ban on our products. As such, consumption reduction targets for tobacco product filters must be rejected. A potential compromise replacement text could be".

Revised Recital 11 a

Tobacco product filters containing plastic are the second most littered single-use plastic items. The huge environmental impact caused by post-consumption waste of tobacco products with filters, discarded directly into the environment needs to be reduced. Innovation and product development are expected to provide viable alternatives to filters containing plastic within the near future, and this development needs to be supported through appropriate policy measures.

Extended producer responsibility schemes for tobacco products should [...] also encourage innovation leading to the development of sustainable alternatives to tobacco product filters containing plastic. Member States should promote a wide range of measures to reduce littering of post-consumption waste of tobacco product filters.

If you have any questions or comments about the above, we would be happy to discuss.

Yours sincerely,
Tamara Teixo Baliñas
Chairman, Itmac

On Tue, Nov 20, 2018 at 6:30 PM Info ITMAC [REDACTED] wrote:

Dear [REDACTED]

As previously discussed, ahead of tomorrow's COREPER meeting, we would like to reiterate Itmac's position on the following:

1. Consumption Reduction (article 4)

- Again, we would oppose any inclusion of cigarette filters in this category as it was *not originally proposed or mandated by the European Commission*. As you know, there is currently no internationally agreed standard on the biodegradability of cellulose acetate filters used in our products exists. Because of this, implementing consumption reduction measures in this context would be equivalent to a ban on our products.

2. Marking requirements

- We would again ask you to oppose the addition of tobacco products with filters to Annex D of the proposed Directive on marking requirements. Imposing marking requirements on packets of tobacco products with filters conflicts with the rules on tobacco packaging imposed by the Tobacco Products Directive and is therefore not feasible.

3. Extended Producer Responsibility (EPR)

- Itmac must insist that the deadline to apply the measures necessary to comply with Article 8 on Extended Producer Responsibility remains 31 December 2024 as per the Council's current position.

- In the context of Article 8 paragraph 2a we request that the words "at least" are removed from: *"Member States shall ensure that the producers of the single-use plastic products listed in point 2 of Part E of the Annex shall cover at least the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products."*

- We also insist that the ability to transpose the provisions on EPR by means of agreements between the competent authorities and the economic sectors concerned is kept.

We thank you for raising our concerns at the meeting tomorrow, and ask that they are also raised at the next trilogue meeting which is scheduled for 28 November

Yours sincerely,

Tamara Teixeira Baliñas

Chairman, Itmac

On Fri, Nov 9, 2018 at 3:07 PM Info ITMAC [REDACTED] wrote:

Dear [REDACTED]

Thank you for your response to our last email. As you will be aware, the next Working Group of the Environment Attachés will take place on 13 November. In advance of this, Itmac would like to share our view on the following:

1. Consumption Reduction (article 4)

- We would oppose any inclusion of cigarette filters in this category as it was not originally proposed or mandated by the European Commission due to the fact that currently no *internationally agreed standard (ISO or CEN) on the biodegradability of cellulose acetate filters* used in our products exists.
- On this basis, implementing consumption reduction measures in this context would be equivalent to a ban on our products.

2. Marking requirements

- We would ask you to oppose the addition of tobacco products with filters to Annex D of the proposed Directive on marking requirements. Imposing marking requirements on packets of tobacco products with filters would be in conflict with the very strict rules on tobacco packaging imposed by the Tobacco Products Directive (2014/40/EU) and is therefore not feasible.

3. Extended Producer Responsibility (EPR)

- Itmac would insist that the deadline to apply the measures necessary to comply with Article 8 on Extended Producer Responsibility remains 31 December 2024 as per the Council's current position.
- In the context of Article 8 paragraph 2a we request that the words "at least" are removed from: *"Member States shall ensure that the producers of the single-use plastic products listed in point 2 of Part E of the Annex shall cover **at least** the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products."*
- We also insist that the ability to transpose the provisions on EPR by means of agreements between the competent authorities and the economic sectors concerned is kept.

We kindly request that Itmac's concerns are raised at the meeting on 13 November by either you or our Irish representatives at the meeting in order to ensure that the Single-Use Plastics proposal does not negatively impact the wider economic operators in the industry and its retail counterparts. If you have any further questions or comments on the above, we would be very happy to expand.

Yours sincerely,

Tamara Teixo Baliñas

Chairman, Itmac

On Mon, Nov 5, 2018 at 10:41 AM [REDACTED] wrote:

Hi Tamara,

Discussions have been continuing at EU level around these issues as you know.

I am happy to be made aware of any concerns that industry has in relation to the proposals.

As you know there is a meeting scheduled for 6th November and we will continue to engage with the other EU Member States on the development of this legislation.

I am not sure there is any value in meeting on this as you have already made your position clear to the Department but if you feel otherwise please let me know.

Regards,

[REDACTED]

From: Info ITMAC [REDACTED]

Sent: 22 October 2018 16:19

To: [REDACTED]

Subject: Re: Concerns regarding the inclusion of cigarette filters within the EU Single Use Plastics directive

Dear [REDACTED]

I know we have sent the above meeting request, and are yet to receive a response. However we have also been made aware that there is a meeting of the Council Working Group on Environment in Brussels tomorrow, 23 October to discuss the technical aspects of the Single-use plastics directive. In advance of this meeting, Itmac would like to raise two points of note with you in relation to two of the items present in the directive.

Regarding Article 4 which references consumption reduction, the inclusion of tobacco products with filters in this category was not originally proposed or mandated by the European Commission itself because currently no internationally agreed standard (ISO or CEN) on the biodegradability of cellulose acetate filters used in our products exists. As a consequence, we do not have a biodegradable validated alternative available. Mandating consumption reduction measures in such a context would be equivalent to a product ban.

In the context of Extended Producer Responsibility (EPR), Itmac is satisfied that the measures necessary to comply with Article 8 on EPR are due to be implemented by 5 January 2023. However, the industry must insist that litter clean-up costs be removed from all EPR obligations, or at the very least the *percentage of the costs should be based on weight [tonnage] of goods littered, and should be kept to a minimum*. The possibility to transpose the provisions on EPR by means of agreements between the competent authorities and the economic sectors concerned must be kept.

We would be very grateful if you could consider the above items in the context of the Council WG meeting tomorrow in Brussels.

Yours sincerely,

Tamara Teixo Baliñas

On Wed, Oct 17, 2018 at 3:56 PM Info ITMAC [REDACTED] wrote:

Dear [REDACTED]

Thank you for your response. I would like to request a meeting on behalf of Itmac with yourself to discuss the industry's concerns, preferably before 6 November as we understand that this is when Council negotiations will begin. If there was a date between now and then that might suit, please do let me know.

Kind regards,

Tamara Teixo Baliñas

Chairman, Itmac

On Tue, Oct 2, 2018 at 10:51 AM [REDACTED] wrote:

Hello Tamara, thank you for your email.

As you are aware the discussions around the single use plastics proposals are ongoing.

Cigarette filters aren't part of Article 4 of the proposed directive so there are currently no consumption reduction obligations on Tobacco producers. They are covered by Article 8 which obliges producers to establish an EPR scheme for their products. Ireland remains supportive of the EU wide efforts to tackle the impact of plastic products on the environment and will continue to discuss the proposals with our EU colleagues to achieve the best outcome.

Regards,

[REDACTED]

From: Info ITMAC [REDACTED]

Sent: 27 September 2018 16:47

To: [REDACTED]

Cc: [REDACTED]

Subject: Concerns regarding the inclusion of cigarette filters within the EU Single Use Plastics directive

Dear [REDACTED]

I'm contacting you on behalf of ITMAC as we wish to flag both our views and concerns regarding the inclusion of cigarette filters within the EU Single Use Plastics directive.

As you may be aware, as has been noted by the Commission, there is currently no alternative form of cigarette filter that would be more environmentally friendly than the current format already used. We have significant concerns over the inclusion of cigarette filters within this piece of legislation. Given that there is no alternative, more environmentally solution, any deadline to reduce consumption imposed upon tobacco manufacturers does not carry much logic.

There is a significant threat to the legal market in Ireland if manufacturers are forced to reduce the volumes they sell in to market to adhere to a given deadline at this stage. Demand will dictate that the drop in legal products will of course be filled by both non-duty paid and counterfeit alternatives, the scale of this threat cannot be understated.

As such, we believe it is absolutely imperative that, at the very least, secondary legislation should also be introduced, should they be included, which specifically address the issues that are unique to cigarette filters. A blanket deadline and expectation of reductions in consumption would not be fit for purpose as an approach to rolling out this legislation.

We would very much appreciate that the concerns surrounding the inclusion of cigarette filters, and the proposal of secondary legislation to accompany this directive be flagged by Irish representatives during the ongoing discussions.

I'm aware that the Environment and Health and Food Safety committee meet tomorrow, and will vote on 10th October as well as the considerations of the Council who have their final meeting on 20th December.

I would be grateful if you could kindly confirm your view and whether you would be inclined to flag these concerns to the appropriate stakeholders ahead of 10th October.

I look forward to hearing from you.

Kind regards,

Tamara Teixeira Baliñas