



Mr Giuseppe Casella  
Head of Unit C3 – Notification of technical regulations  
European Commission, DG Enterprise and Industry

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Dear Mr Casella,

**RE: notification under Directive 98/34/EC from France (2012/204/F) relating to a mandatory waste sorting symbol on recyclable products**

On behalf of the packaging supply chain, EUROPEN (see annex 1), and representatives of allied sectors hereby share their concerns with the European Commission in relation to the above French draft decree. Our sectors benefit greatly from the free movement for packaged goods in the Internal Market. At the same time we continuously aim to improve the environmental performances related to packaged goods and packaging waste management through the various supply chains, also in relation to the consumer. However, we would wish to avoid the proliferation of disparate initiatives at member state level, such as proposed by France, which would deny the free movement of packaged goods in Europe and likely create a trade barrier. In addition, we fear that the proposal's intended environmental aims in terms of increased sorting and recycling might not materialise, also in view of a potential increase of consumer confusion. Therefore, we call upon the Commission to consider the following concerns in relation to the:

**1. Internal Market:**

A French symbol for sorting recyclable products could potentially create a trade barrier and distort the competition within the internal market. It could harm the competitiveness of imported products as packaged goods might have to be marked specially for the French market which would increase costs associated with market-specific labels. In addition, any "contradictory" symbol would not be allowed, despite being perfectly valid in another Member State. Consequently, this would hinder access of products originating in other member states to the market within France and should be assessed against Article 34 TFEU. In addition, the exports of French products displaying the sorting symbol would potentially confuse consumers in other member states.

The draft measure also raises questions regarding the proportionality principle. A less burdensome alternative is readily conceivable i.e. to remain with the existing symbols for products circulating in France and deploy a national public education campaign necessary to ensure awareness of the relevance of the symbols. This option would indeed contribute to the intended government objective, i.e. increased recycling in France.

**2. Environment:**

Our sector acknowledges the larger context and the specific merit of seeking to encourage consumers to sort better in order to increase recycling and reduce the quantity of waste for final disposal. Indeed, the packaging supply chain is fully committed to improve the current packaging waste management systems to improve the environmental performance of packed products and notably to contribute to a true "recycling society". However in this regard, the draft proposal would be counterproductive and undermine both the objectives of sustainable consumption and production as well as resource efficiency.

The environmental benefits of the French proposal are very questionable and the measure could be even counterproductive in terms of recycling and hence environmental impacts as the French sorting symbol may generate consumer confusion at both French and EU level:

At French level, a consumer study has shown that the logo is not self-explanatory as only 4% of respondents spontaneously understand (unprompted replies) the symbol means the product must be disposed of in the recycling container (TNS Sofres for ADEME, April 2011); as a consequence, its ability to influence consumers to better sort recyclable packs in France has not been demonstrated.

The new logo aims to communicate to consumers that the product on which it appears is “recyclable” and refers to waste sorting instructions (see article R.541-12-5). But it does not define the term “recyclable” or gives guidance on how or where it should be sorted. The absence of a definition and application description would make the requirements unclear and would add to consumer confusion. In addition, the fact that sorting systems within France itself have yet to be harmonised and the apparent absence of any explicit provision for the necessary awareness campaign thus calls into question any claims for the potentially benefits of the proposed measure. A further assessment of whether such a logo would in reality result in higher collection rates and more targeted sorting of (packaging) waste is required. It is also questionable whether the consumer will know if the symbol applies to the packaging or the product inside. In a worse case, it could result in increased mis-sorting of (packaging) waste by consumers.

The draft Decree further states that to avoid consumer confusion, products and packaging may not bear any symbols that would be contradictory with the one specified. Regardless of this intention, our concern is that it would be required in addition to other existing symbols, for instance related to the Extended Producer Responsibility (EPR) schemes. It is unclear how the new logo would complement this: on the contrary, it would seem to add to consumer confusion being confronted by an expanded array of competing, overlapping or contradictory messages.

The questionable nature of the efficiency and effectiveness of this measure in terms of environmental benefits, should also be considered in view of the likelihood that the final cost of such a waste sorting logo would ultimately be borne by the consumer.

At EU level, there is a risk of counter-productivity in terms of recycling and consecutive adverse effects on the environment in Member States other than France where products carrying the French logo would be sold; some consumers could indeed interpret the symbol as an incentive to recycling in their own country and may therefore put in their recycling bin an item that is not recyclable, which would then result in contaminating local recycling streams.

For all the above reasons, the co-signatures of this letter would strongly advise against the introduction of this proposal for a unilateral and labelling requirement. We therefore call on the Commission to intervene under the rules set out in the Notification Procedure (Directive 98/34/EC). For instance we would ask to reconsider the implications of the draft decree *vis-à-vis* the disruption to the internal market, in addition to the notified current French impact assessment. In anticipation of such an evaluation, we are available to expand upon our views.



Véronique Bagge  
EUROPEN Managing Director

And co-signatories:



Alain Galaski  
Director General



Association des Industries de Marque  
European Brands Association  
Europäischer Markenverband



Susanne Zaenker  
Director General



Association Internationale de la Savonnerie, de la Détergence et des Produits d'Entretien  
International Association for Soaps, Detergents and Maintenance Products



Bertil Heerink  
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Pierre Wiertz  
General Manager



Patricia Fosselard  
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Alexandre Dangis  
Managing Director



Christian Verschueren  
EuroCommerce



Adeline Farrelly  
Secretary General



Tove Larsson  
Director Environmental Affairs



Alain Beaumont  
Secretary General



Joachim Quoden  
Managing Director



## Annex 1



### About EUROPEN

EUROPEN - the European Organization for Packaging and the Environment - is the only pan-European organisation dedicated exclusively to issues concerning packaging and the environment, with membership open to all partners in the packaging value chain, being the producers of packaging materials, the converters and the brand owners using the packaging materials. EUROPEN works for the achievement of non-conflicting European and national packaging & packaging waste measures based on a full understanding of the issues, close co-operation between all sectors of the packaging value chain and avoidance of barriers to trade. [www.europen.be](http://www.europen.be)

### EUROPEN members

#### Corporate Members

3M Europe	Japan Tobacco International
ArcelorMittal Packaging	Kraft Foods
Ardagh Group	L'Oréal
Ball Packaging Europe	Mars
BASF	MWV (MeadWestvaco)
Baxter Healthcare	Mondi Packaging
Braskem	Metsa Group
Carlsberg	Nestlé
Chanel	Novelis
Coca-Cola Company	O-I Europe
Coca-Cola Hellenic	PepsiCo International
Colgate-Palmolive	Procter & Gamble
CROWN Europe	Rexam
Danone	SCA Packaging
Dow Europe	Sealed Air
Ecolean	SIG Combibloc
Elopak	Stora Enso
ExxonMobil Chemical Films Europe	Symphony Environmental Technologies
Frito Lay	Tetra Pak
Heineken	Total Petrochemicals
Huhtamaki	Unilever
Iams Pet Food International	

#### National Organisations

Bosnia and Herzegovina - Association for Packaging & Packaging Waste Management (Bihpak)  
Czech Republic: Czech Industrial Coalition on Packaging and the Environment (CICPEN)