



Ms Sarah Nelen  
European Commission  
Directorate-General for Environment  
Unit B.3. Waste Management and Secondary Materials  
Avenue de Beaulieu 9  
1160 Brussels

Mr Hans Ingels  
European Commission  
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs  
Unit 1.B.1 Single Market Policy, Mutual Recognition and Surveillance  
Avenue des Nerviens 105  
1040 Brussels

Brussels, 25 September 2019

Dear Ms Nelen,  
Dear Mr Ingels,

We are writing to you regarding the French *Projet de loi relatif à la lutte contre le gaspillage et à l'économie circulaire* (Draft law on the fight against waste and the circular economy – ‘the draft Law’)<sup>1</sup>.

**Our associations call on the European Commission to review the compatibility of the draft law with internal market rules and EU product legislation, and to take any necessary corrective measures.**

While we welcome France’s ambition and efforts to implement the revised Waste Framework Directive 2018/851, Packaging and Packaging Waste Directive 2018/852 and the Single Use Plastics Directive 2019/904, we are concerned that certain aspects risk fragmenting the internal market by creating barriers to trade, while being more stringent than necessary and disproportionate to meet the objective being pursued.

For example, the draft law includes new requirements to affix a specific logo (Triman) and sorting instructions to products, packaging or accompanying documents, for all products subject to Extended Producer Responsibility Schemes (Article 3). This would force economic operators to re-label or repackage products to include the Triman logo and instructions specifically for the French market, adding significant administrative burdens and costs associated with the re-labelling, re-packaging or updating of printed folders. For small products this could even result in the need of bigger packaging or an additional page of instructions thus increasing the use of resources and generation of waste.

Other measures foreseen by the draft law could also function as internal market barriers. This includes, for example, the proposed requirements to label information relating to certain environmental criteria (Article 1), the possibility impose national recycled content thresholds (Article 7) or the requirement that unsold products must be recycled or donated, without clarifying whether they can be transported to another EU Member State (Article 8).

**Allowing France to adopt such measures could encourage other Member States to impose their own labels, leading to a regression of the EU single market and to an unmanageable system, whereby companies cannot use one single packaging for all the EU or several Member States as many do today.** As a result, companies might need to re-label or re-package products in case they wish to sell them in other Member States. This could bring additional costs and will increase the risk of more unsold items as they cannot be easily re-marketed in other EU countries.

<sup>1</sup> <https://www.senat.fr/leg/pj118-660.html>

We thank you in advance for taking our views into consideration and remain at your disposal should you wish to expand upon our views on this matter in the meantime.

Yours sincerely,

Susan Danger, CEO  
AmCham EU



Alexandre Dangis, Managing Director  
EuPC



Paolo Falcioni, Director General  
APPLiA



Joachil Quoden, Managing Director



Milda Basiulyte, Senior Policy Manager  
Sustainability  
DIGITALEUROPE



Jérôme Pero, Secretary General  
FESI



Federation of the European  
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Patricia Fosselard, Secretary General  
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Ourania Georgoutsakou, Secretary General  
LightingEurope



Roberto Marelli, President  
ENPC



Catherine Van Reeth, Director General  
TIE



Hans Craen, Secretary General  
EPBA



**About AmCham EU**

*AmCham EU* speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled more than €2 trillion in 2018, directly supports more than 4.8 million jobs in Europe, and generates billions of euros annually in income, trade and research and development.

**About APPLiA**

APPLiA - Home Appliance Europe represents home appliance manufacturers from across Europe. By promoting innovative, sustainable policies and solutions for EU homes, APPLiA has helped build the sector into an economic powerhouse, with an annual turnover of EUR 50 billion, investing over EUR 1.4 billion in R&D activities and creating nearly 1 million jobs.

**About DIGITALEUROPE**

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies.

**About EFBW**

*The European Federation of Bottled Waters (EFBW)* is the voice of the bottled water industry, dedicated to promoting the unique qualities of natural mineral and spring water among EU institutions and international organisations. EFBW is a registered international not for profit federation with a membership base of national trade associations and direct member companies. EFBW represents almost 550 natural mineral and spring water producers in Europe.

**About ENPC**

*The European Nursery Products Confederation (ENPC)* is a trade association for childcare product manufacturers in Europe. It is

composed of 8 national associations representing small and medium-size enterprises (SMEs) and large companies (leaders in the sector) playing a key role in the European single market. Childcare products estimated market size in eight major EU countries, for wheeled equipment, car seats and feeding equipment amounts to 3.4 billion Euros. ENPC is involved in ensuring safety requirements in the legislation, it is a liaison partner of the European standards organization, and our members are actively involved in the technical committees CEN/TEC 252 with the scope of developing standards for all products related to child use and care.

**About EPBA**

*The European Portable Battery Association (EPBA)* is the leading voice of the portable power industry. The association supports the common interests of its members regarding portable primary and rechargeable batteries and battery chargers with European institutions and other leading international bodies to provide consumers with complete power solutions which are sustainable across their life-cycle.

**About EuPC:**

*European Plastics Converters (EuPC)* is the leading EU-level trade association, based in Brussels, representing European plastics converting companies. Plastics converters use plastics raw materials and recycled polymers to manufacture new products. EuPC totals about 45 national as well as European plastics converting industry associations and represents more than 50,000 companies, producing over 50 million tons of plastic products every year. The European plastics industry makes a significant contribution to the welfare in Europe by enabling innovation, creating quality of life to citizens and facilitating resource efficiency and climate protection. More than 1.6 million people are working in EU converting companies (mainly SMEs) to create a turnover in excess of € 260 billion per year.

**About EXPRA**

EXPRA is the Extended Producer Responsibility Alliance – the organisation for packaging and packaging waste recovery and recycling systems which are owned by obliged industry and work on a not-for-profit basis. EXPRA acts as the authoritative voice and common policy platform representing the interests of its members, which are all founded and run by or on behalf of obliged industry. Over the past 25 years, our members across

20 countries thereof 17 EU Member States have co-organised the collection, sorting and recycling of used packaging (with a focus on household packaging) on behalf of industry, to fulfil their legal take back and recycling obligations, serving over 200 million inhabitants and recycling over 20 Million tons of packaging per year.

For more information, please visit

[www.expra.eu](http://www.expra.eu)

### **About FESI**

Founded in 1960, *FESI* is the unique platform representing the interests of the sporting goods industry in Europe and promoting initiatives that benefit the sector, EU citizens and the society as a whole. FESI represents approximately 1800 sporting goods manufacturers and through its national associations and its directly affiliated member companies. Around 75% of FESI membership is made up of small and medium sized enterprises. In total, the European Sporting Goods Industry employs over 700 000 EU citizens and has an annual turnover of some 81 billion euros.

### **About LightingEurope**

LightingEurope is the voice of the lighting industry, based in Brussels and representing 34 companies and national associations. Together these members account for over 1,000 European companies, a majority of which are small or medium-sized. They represent a total European workforce of over 100,000 people and an annual turnover exceeding 20 billion euro. LightingEurope is committed to promoting efficient lighting that benefits human comfort, safety and well-being, and the environment. LightingEurope advocates a positive business and regulatory environment to foster fair competition and growth for the European lighting industry.

More information is available at [www.lightingeurope.org](http://www.lightingeurope.org)

### **About TIE**

*Toy Industries of Europe (TIE)* is the voice of the reputable EU toy manufactures. Our mission is to promote the right of every child to play safely and securely and to promote fair practices and fair legislation, allowing responsible toy companies to continue to grow. TIE's membership includes 17 direct international companies, nine European national toy associations, who represent their local manufactures, and seven affiliate members who make toys but it's not part of their main business.