

**Statement on the
Draft French Decree banning certain single-use plastic products
(TRIS notification number: 2020/401/F (France), end of standstill: 28/9/2020)**

The European Paper Packaging Alliance (EPPA) notes the Government of France's proposed Decree Article 2: 1(a)) would enable it to take practical and pragmatic steps to reduce the amount of plastic placed on the French market by around 90% by weight, when comparing the polymeric content of wholly plastic items against paper-based items. It also simultaneously avoids the significant and damaging unintended environmental, social and economic consequences that blanket restrictions covering products containing any amount of polymer would entail.

EPPA believes that the use of *de minimis thresholds* for the presence of polymers in packaging items are obligatory within the Single Use Plastics Directive (SUPD) EU (2019)/904, given that the Directive clearly excludes 'minor' structural components.

Notwithstanding this fundamental requirement of the SUPD, we consider Article 2:1(a) is aligned with the requirements of the SUPD on the following grounds:

1. The SUPD is a Directive. Article 288 of the TFEU is clear: "A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods."
2. The SUPD is *lex specialis*. It specifically allows Member States to establish their own rules to achieve the consumption reduction measures contained in the Directive. The SUPD is also explicit that this includes the ability to introduce market restrictions (Recital 10).
3. Member States are explicitly able to establish their own consumption reduction targets for the categories outlined in Article 4 of the SUPD. Moreover, they can determine the policy instruments they employ to achieve such reductions, including varying those measures "depending on the environmental impact of those single-use plastic products over their life cycle..."

Given the above, we consider the French government is justified in establishing its own *de minimis* rules so long as those rules do not interfere with the principles and objectives of the Directive.

(End)

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