

The European Automobile Manufacturers' Association (ACEA), wishes to submit their comments on the French Draft Implementing Decree on consumer information symbols indicating the sorting rule for waste resulting from products subject to the principle of extended producer responsibility (EPR) - TRIMAN Logo. The Objective of this Law is to increase the recycling rate under the EPR scheme and for that purpose it implements Article 17 of the French Law 2020-105 of February 10th, 2020.

ACEA fully supports the European Commission's initiative on the Circular Economy Action Plan and welcome France efforts to transpose the EU Waste Framework directive 2018/851.

However, some aspects of the draft decree might not be in line regarding EU harmonized product legislation. The common regulatory symbol the crossed-out wheeled-bin must be a legally recognized alternative to the TRIMAN Logo. It should not be an additional symbol as sorting rules differing from country to country and the TRIMAN Logo being only recognised in France. Products would have to be created especially for the French market. With this new barrier to the free movement will occur and higher cost associated with the relabelling or updating packaging for this one market.

Furthermore, the decree points out that the symbol and the sorting method should always come together and be fixed on the packaging itself. For the Automobile Industry we strongly recommend having the sorting methods and the symbol in particular product leaflets or on a website. This would allow the information regarding the sorting method to be specifically adapted to each country where the product will be placed in the market. Indeed, the law provides that this information may otherwise be included in other documents supplied with the product.

The implementation timeframe is not adapted to the techniques needed to update product labels like design, label ordering and manufacturing. The transition period should be extended by 18 months as it is notably the case for the CLP regulation (Classification, Labelling and Packaging of Chemicals) via its ATP (Adaptation to Technical Progress) for product labelling changes and stock disposal.

In addition, products already on the market and stored pending their sale should be excluded from this application. The obligation to relabel all products could result in significant costs for manufacturers and could lead to the disposal of these products and with this not being in line with the Green Deal unless our recommended options, use of leaflets or website, are accepted.

Furthermore, the automobile industry wants to point out that under the ELV directive 2000/53 § 8 coding standards and dismantling information have to be provided. Additionally the directive 2005/64/ EC of the European parliament and the Council of 26 October 2005 on the type-approval of motor vehicle with regard to their reusability, recyclability and recoverability and amending Council directive 70/156/ EEC §3 ask to mark the component parts of polymers and elastomers.

We request the Commission to ask France to make the French Law on Circular Economy compatible with EU law without the risk of market fragmentation. The French national symbol will not create any environmental benefit as products subject to an EPR scheme are already marked with an appropriate symbol mandated at EU level - the crossed-out wheeled-bin.

ABOUT THE EU AUTOMOBILE INDUSTRY

- 14.6 million Europeans work in the auto industry (directly and indirectly), accounting for 6.7% of all EU jobs.
- 11.5% of EU manufacturing jobs – some 3.7 million – are in the automotive sector.
- Motor vehicles account for €440.4 billion in taxes in major European markets.
- The automobile industry generates a trade surplus of €74 billion for the EU.
- The turnover generated by the auto industry represents over 7% of EU GDP.
- Investing €60.9 billion in R&D annually, the automotive sector is Europe's largest private contributor to innovation, accounting for 29% of total EU spending.

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