



European Furniture Industries Confederation

EFIC POSITION PAPER

Draft French Decree on the minimum proportion of reused packaging to be placed on the market annually (TRIS notification 2021/510/F – France)

20 October 2021

EFIC, the European Furniture Industries Confederation, welcomes the possibility to provide comments on the draft ‘Decree on the minimum proportion of reused packaging to be placed on the market annually’ notified by the French authorities in the European Commission’s TRIS database on 27 July 2021¹. EFIC believes that the proposed regulatory approach could lead to packaging solutions that are less sustainable and that can have a negative impact on the environment, contrary to the good intention of the legislation.

EFIC recommendations:

1. We propose to exclude certain product categories and packaging materials from the scope of the draft decree, for example, corrugated cardboard and primary packaging for products (such as furniture) that cannot meet the proposed requirements.
2. We urge to add the possibility for alternatives (for example using cardboard pallets instead of wood pallets when considered more appropriate). If our understanding is correct, there is no difference between primary, secondary or tertiary packaging, nor exclusions for cases where a reusable packaging would not be a good option to implement. Furniture is not a suitable product for returnable packaging due to its shape, size and weight variance, as the packaging is usually specifically designed for the respective sizes, shapes and weights. Therefore, a return transport of special packaging elements makes little sense, since on the one hand these would have to be appropriately sorted and professionally packed for a return transport, so that a damage-free return transport of the packaging elements could be guaranteed. This is because the protective effect can only be guaranteed with damage-free packaging elements and ultimately the most important purpose of the packaging in terms of the environment is to bring the products from the manufacturer to the end customer without damage, to avoid unnecessary transports and expenses for repair and replacement of damaged products.
3. We urge policymakers to consider a detailed Life Cycle Analysis (LCA) of different transport systems, covering production, use and end-of-life (including sorting, transport, reprocessing, etc.) to decide on a true environmental- friendly solution. We are concerned about the proposal to introduce a quota of reusable packaging for all products without any distinction and without any concrete assessment of the feasibility of the targets. It should be noted that each company has its own packaging solutions adapted to its products and it will be almost impossible to collect, sort and transport each package in such a way that it finds its way to the company location or suppliers to which it belongs. The quantities per manufacturer and per transport over long distances must also be considered. Even if one assumes that all packaging materials are made of e.g. cardboard, the above still applies.

¹ Notification available on the [European Commission’s TRIS portal](#)



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4. To counter the limitations above, we suggest including in the target packaging that is recyclable or reusable. This will also be in line with the discussions happening at the EU level (including the revision of the Packaging and Packaging Waste Directive).
5. We urge to define reuse on the basis of a dynamic approach that allows innovative solutions and adaptation over time with a view to optimising the environmental footprint of packaging that is suitable for multiple rotations.
6. We invite the French authorities to adapt the text to follow the revision of the Packaging and Packaging Waste Directive at EU level, where the feasibility of creating a re-use system is being assessed. EFIC supports joint work aimed at standardization of re-usable secondary packaging (e.g. trays or boxes for e-commerce) and a common EU-return system for implementing these solutions. A European approach to the issue, accompanied by an impact assessment considering overall economic and environmental impacts, is a more suitable and less trade restrictive option.

About the draft decree

This draft Decree defines for the years 2022 to 2027 the minimum proportion of reused packaging to be placed on the market annually in France in order to achieve the reuse targets set out in Article L541-1 of the Environmental Code, i.e. 5% in 2023 and 10% in 2027. It specifies the producers concerned and provides for the possibility for these producers to form a collective structure or to rely on their eco-organisation to fulfil their reused packaging obligation. The decree mandates a threshold for reusable packaging to be placed on the French market (1.5 % in 2022; 5% in 2023; 6% in 2024; 7% in 2025; 8% in 2026; 10% in 2027). According to the decree for the purposes of Article L. 541-1(III), the persons required to comply with the minimum proportions of reused packaging laid down in Article R. 541-371 shall be the producers responsible for placing on the market at least 10 000 units of packaged products per year. In this meaning the obligation refers to the producer², even if in the future there could be collective structures to meet these targets³.

EFIC is the European Furniture Industries Confederation, representing over 70% of the total turnover of the European Furniture Industries, a sector employing 1 million people in about 120.000 enterprises across the EU and generating a turnover of 96 billion Euros. The EFIC membership is composed of 16 national federations, one individual company member and a cluster: <https://www.efic.eu/about-our-members>

For further information, please contact:

EFIC - European Furniture Industries Confederation

A: Rue Montoyer 24, PO Box 2, BE-1000 Brussels

T: 0032 (0)2 287 08 86; E: info@efic.eu

² "Producer", any person who, in a professional capacity, packs or has packed their products for the purpose of placing them on the market, any importer whose products are marketed in packaging or, if the producer or importer cannot be identified, the person responsible for the first placing on the market of such products;

³ Any producer referred to in I of this Article may choose to participate with other producers concerned in setting up a collective structure to pool and implement the actions necessary for the placing on the market of reused packaging. (Article R. 541-372. – II of the Environmental Code, Subsection 7).