Order of 24 September 2021 on the maximum permitted plastic content in single-use plastic cups

NOR: TREP2112058A

ELI: https://www.legifrance.gouv.fr/eli/arrete/2021/9/24/TREP2112058A/jo/texte

Official Journal of the French Republic (JORF) No 0241 of 15 October 2021

Text No 5

Groups concerned: natural or legal persons supplying, using, distributing or making available, in return for payment or free of charge, for the purpose of their economic activity, single-use cups consisting wholly or partly of plastic material.

Subject: definition of the reduction trajectory of the maximum permitted plastic content in single-use plastic cups.

Entry into force: the day after the date of its publication.

Notice: this Order defines the maximum plastic content permitted in single-use plastic cups. The maximum permitted level shall be progressively reduced to a zero value on 1 January 2026. A progress report is to be drafted in 2024 on monitoring the progress on single-use plastic cup alternatives. A deadline for the disposal of stocks is provided for cups manufactured or imported from the set deadlines.

References: the Order is made pursuant to Article D. 541-330 as amended by Decree No.2020-1828 of 31 December 2020 on the prohibition of certain single-use plastic products.

This Order is available on the Légifrance website (https://www.legifrance.gouv.fr).

The Minister for Ecological Transition and the Minister of Economy, Finance and Recovery,

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, and notification No 2021/206/F to the European Commission on 28 April 2021;

Having regard to Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, in particular Article 4;

Having regard to the Environmental Code, in particular Article L. 541-15-10 and Article D. 541-330 (7°);

Having regard to Decree No 2020-1828 of 31 December 2020 on the prohibition of certain single-use plastic products, in particular Article 3 thereof;

Having regard to the observations made during the public consultation carried out between 26 May and 16 June 2021, pursuant to Article L123-19-1 of the Environmental Code;

Hereby decree:

Article 1

For the purpose of applying Article D. 541-330 of the Environment Code 7°, “maximum plastic content” means the maximum mass percentage of plastics.

Article 2

I. – The maximum permitted plastic content in the cups mentioned in (b) of 7° of D. 541-330 shall be:

a) 15 % from 1 January 2022;

b) 8 % from 1 January 2024;

c) Subject to the conclusions of the progress report mentioned in II, as from 1 January 2026, cups that remain permitted are those that do not contain plastic, or trace components. This deadline may be revised in accordance with the conclusions of the progress report.

II. — A progress report is to be carried out in 2024 in consultation with stakeholders on the progress made in alternative solutions to single-use plastic cups, in order to assess the technical feasibility of the absence of plastic in the cups remaining authorised from 1 January 2026.

III. — Cups manufactured or imported before each of the deadlines mentioned in I and which comply with the maximum permitted plastic content before those deadlines shall be granted a 6-month period for disposal of stocks from these deadlines.

Article 3

This Order shall be published in the Official Journal of the French Republic.

Dated 24 September 2021.

The Minister for the Ecological Transition,

For and on behalf of the Minister:

The Director-General for Risk Prevention

C. Bourillet

The Minister of Economy, Finance and Recovery,

For and on behalf of the Minister:

The Director-General for Enterprises

T. Courbe